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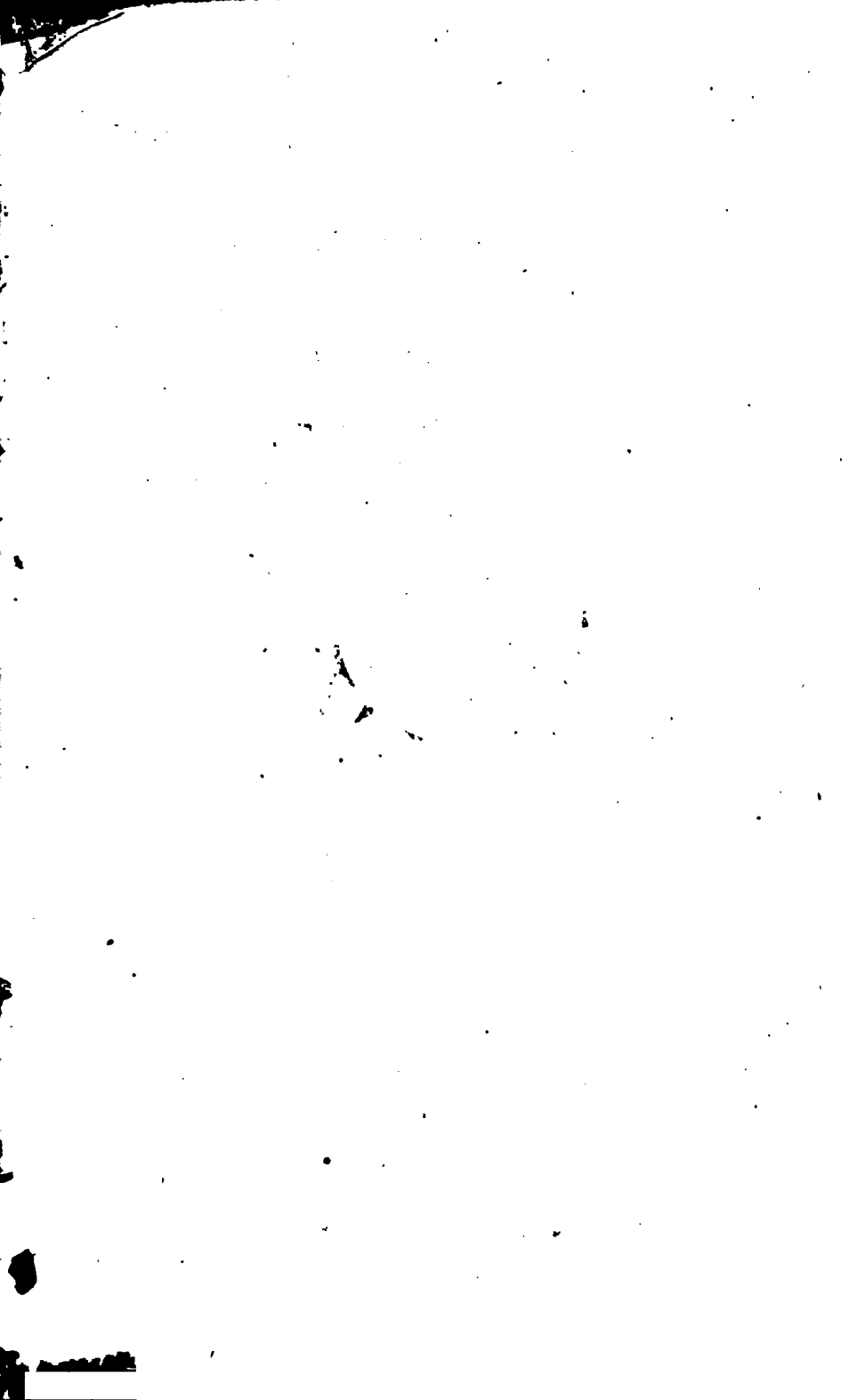
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HOUSE OF REPRESENTATIVES

1881

STATE OF MICHIGAN

1881

REPORT OF THE COMMISSIONER

OF THE LAND

1881

BY AUTHORITY

PRINTED

BY THE STATE OF MICHIGAN

1881

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JOURNAL

OF THE

HOUSE OF REPRESENTATIVES

OF THE

Legislature —
STATE OF MICHIGAN, —
—

AT THE

SESSION OF THE LEGISLATURE,

IN THE YEAR

1843.

BY AUTHORITY:

DETROIT:

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1843.

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JOURNAL.

Monday, January 2, 1813.

This being the day fixed by the Constitution of the State for the meeting of the Legislature the Representatives elect convened in the Representative Hall, at the Capitol, and organized, on motion of the Hon. Justus Goodwin, of Calhoun, by choosing the Hon. Edwin H. Lothrop, of Kalamazoo, Speaker *pro tempore*, and on motion of Hon. F. J. Littlejohn, of Allegan, appointing E. J. Roberts, Clerk *pro tempore*.

On motion of Hon. H. Seeley, of Oakland, William Terry was appointed Sergeant-at-Arms *pro tempore*.

On motion of the Hon. Robert McClelland, of Monroe, the Clerk proceeded to call the roll, and the following members elect answered to their names, and being sworn into office by the Hon. E. Ransom, took their seats :

Allegan and Barry—Flavius J. Littlejohn.

Branch—Martin Olds.

Berrien—Obad P. Lacey.

Chippewa—James Schoolcraft.

Calhoun—Justus Goodwin, Sanls McDim'y.

Cass and Van Buren—Zamuel F. Anderson, John Andrews.

Genesee—John L. Gage.

Hillsdale—Henry Waldron, John S. Browe.

Junia, Kent and Ottawa—Simeon M. Johnson.

Jackson—James Videto, Peter E. Lawrence, Fidus Livermore.

Ingham and Eaton—Hiram H. Smith.

Kalamazoo—Edwin H. Lothrop, Stephen Vickery.

Livingston—Charles P. Bush, Ely Barnard.

Lenawee—Guy Carpenter, Fielding S. Snow, Joseph M. Patterson,
Francis H. Hagaman,

Lapeer—John M. Lamb.

Monroe—Robert McClelland, George Younglove.

Mackinaw—William N. McLeod.

Macomb—Samuel Axford, Horace H. Cady.

Oakland—William Poppleton, William Snell, William A. Pratt,
William Gage, Harvey Seely, Daniel S. Lee.

Saginaw—Noah Beach.

St. Clair—Oel Rix.

Shiawassee and Clinton—Francis J. Provost.

St. Joseph—Washington Weld, William Mottram.

Washtenaw—Thomas J. Rice, Robert Purdy, William Moore,
Daniel Hixon, John King, Orin Howe.

Wayne—Geo. A. O'Keeffe, Peter Godfroy, David H. Rowland,
Archibald Y. Murray, James Vaughn, Daniel Goodell.

On motion of Mr. Bush, the House proceeded to the election of
Speaker, and the vote stood as follows :

FOR ROBERT MCCLELLAND,

Messrs. Anderson, Andrews, Axford, Barnard, Beach, Bush, Cady,
Carpenter, J. L. Gage, W. Gage, Goodell, Godfroy, Goodwin,
Hagaman, Hixon, Howe, Johnson, King, Lacey, Lamb, Lothrop,
Lawrence, Lee, Littlejohn, Livermore, McCrimly, McLeod, Moore,
Mottram, Murray, O'Keeffe, Olds, Patterson, Poppleton, Pratt,
Provost, Purdy, Rice, Rix, Rowland, Schoolcraft, Seely, Smith,
Snell, Snow, Vaughn, Videto, Waldron, Weld, Younglove—50.

FOR EDWIN H. LOTHROP,

Messrs. McClelland, Vickery—2.

Whereupon, the Hon. Robert McClelland, was announced as being duly elected Speaker of the House, and Messrs. Goodwin and Bush appointed a committee to wait upon him to the Chair.

On motion of Mr. Littlejohn,

The House proceeded to the election of a Chief Clerk and the vote stood as follows :

For E. J. ROBERTS,

Messrs. Anderson, Andrews, Axford, Barnard, Beach, Bush, Cady, Carpenter, W. Gage, Goodell, Godfrey, Goodwin, Hagaman, Howe, Johnson, King, Lamb, Lothrop, Lawrence, Lee, Littlejohn, Livermore, McCamly, McClelland, McLeod, Moore, Mottram, Murray, O'Keefe, Olds, Patterson, Poppleton, Pratt, Provost, Purdy, Rice, Rix, Rowland, Schoolcraft, Smith, Snell, Snow, Vaughn, Vickery, Visto, Waldron, Well, Younglove—19.

For A. W. HOVER,

Messrs. J. L. Gage, Seeley—2.

And the Speaker announced E. J. Roberts as duly elected Clerk of the House.

On motion of Mr. Goodwin,

Resolved, That the rules of the last Legislature be the rules of this House until further ordered.

On motion of Mr. Goodwin,

A committee of two, consisting of Messrs. Goodwin and Bush, were appointed to wait upon the Senate and inform that body that the House were organized and ready to proceed to business.

On motion of Mr. Littlejohn,

Resolved, That a committee of two be appointed to act with a like committee of the Senate, to wait on the Governor and inform him that the two Houses are now organized and ready to receive any communication he may have to make.

And the Speaker announced as such committee, Messrs. Littlejohn and Axford.

Mr. Goodwin offered the following joint resolution, and the rules were suspended and the same adopted :

Resolved, That the joint rules and the rules of the joint conventions of the last Legislature, (the Senate concurring,) be the rules of the present Legislature, until otherwise ordered.

A committee from the Senate were announced informing the House that the Senate were organized and ready to proceed to business.

On motion of Mr. Videto,

Resolved, That the Speaker be authorized to appoint two messengers to this House.

Whereupon, the Speaker appointed Benjamin R. Bagg and Guy Hinchman.

On motion of Mr. Goodwin,

Resolved, That there be a committee of three appointed to revise the rules of this House.

And the Speaker announced Messrs. Goodwin, Lamb and Lothrop as said committee.

The committee appointed to wait upon the Governor having reported that they had performed that duty, and received for answer that he would immediately transmit a communication to the House,

Mr. J. M. Welch, the private secretary of the Governor, was announced with the annual message, which was read at the Clerk's desk, as follows :

Fellow-Citizens of the Senate and of the House of Representatives:

The condition of the State in regard to public health affords cause of congratulation. All apprehensions of the insalubrity of our climate are, by happy experience, removed. General and almost universal health has prevailed for a long period and affords the satisfactory assurance that the mild climate of Michigan is not only congenial to the health of man, but highly conducive of that most desirable blessing. The diseases incident and peculiar to our climate, are limited in number and easily subjected to proper medical treatment. New-England, with its hills and mountains, its streams and its rivers, and which so many of our citizens are proud to acknowledge their mother-land,

affords scarcely a more salubrious clime than it is our happy lot to enjoy.

Peace reigns within our borders. Our country maintains amicable relations with all civilized powers of the earth, and no lowering prospect threatens to disturb our quiet. We are also happily exempt from all domestic violence.

Other blessings attend us to crown our joys with gladness. The labor of the husbandman, during the past year, has been crowned with abundant success. Rich harvests have amply repaid his toil. Abundance is every where to be found in the land, and at every step we meet the most satisfactory proofs of permanent prosperity. The wild forests are fast giving place to cultivated fields, and our citizens every where find an ample reward in the produce of their industry.

Of these and similar blessings we should never be unmindful, and for their enjoyment we should, humbly and with contrite hearts, render thanks to the great Ruler of the Universe, to whom alone we are indebted for every good and perfect gift.

The constitutional provision, which requires the representatives of the people to assemble at least once in each year, is designed to secure a more strict accountability in those to whom the execution of the laws has, for the time, been entrusted. Offices are created for public good alone, and their incumbents are at all times answerable for the manner in which they have discharged trusts confided to their care. Among the duties, devolving on you, not the least important will be that of enquiring into the present condition of public affairs, and of learning the manner in which they have been administered during the year now brought to a close. The strictest scrutiny is invited, and every necessary aid will be afforded to enable you to prosecute your enquires with success. No fame should screen, no reputation should exculpate, and no dignity should shield a faithless or defaulting public officer who has wilfully, or through negligence, betrayed public interests entrusted to his keeping.

The promotion of science and literature deserves your fostering care, and I doubt not will receive from you the attention its importance demands. The happiness of all political communities, in an eminent degree, depends upon the intelligence of their inhabitants. Where ignorance prevails, vice and misery predominate. In a free government, if rulers be abandoned and profligate, it is because vice reigns among the people ; for no vicious man could obtain promotion except from men vicious like himself.

Universal education is the only sure basis on which republican institutions can permanently exist. If we recur to history, whether of ancient or modern times, the examples we there find confirm this important truth. An ignorant, a degraded, and an immoral people would be neither prosperous nor happy under a free constitution. Their ignorance would prevent them from understanding and appreciating their rights, and their degradation and immorality would make them fit tools for demagogues more wicked than themselves.

The condition of every nation, whatsoever may be the form of its government, is to a great extent ameliorated and made happy in proportion to the degree of useful information possessed by the mass of its inhabitants. The people who are enlightened and who know their natural rights, will not submit as serfs and slaves to serve imperious lords ; and among such a people the irresponsible and arbitrary will of rulers must give place to permanent and equitable laws. As a nation becomes enlightened correspondent progress is sure to be made in the improvement of its government ; and revolution will secure what rulers refuse to concede.

Under our free institutions the government is the will of the people and knowledge should be the birth-right of every citizen. Education should not be restricted to a few, or to a favored class—the mass of the people produce the wealth and constitute the strength of the body politic, and to them should instruction in all useful branches of knowledge be extended. But for the general intelligence that exists, the order and harmony of society, which we now so much admire, would soon give place to chaos and confusion.

Among the subjects that are likely to engage your attention during your present session, that of common schools is perhaps, second to no other in importance. These primary institutions constitute the only sure medium by which the education of all can be secured. The enactments on the subject, above all other laws, should be certain, definite, and easy to be understood. Such however, is not their condition, and an entire revision is required. It will be entirely within your province to determine how far alterations may be made with public advantage. An examination into the school systems of other and older states may afford information that will enable you better and in a more satisfactory manner, to discharge your duty in perfecting our own. Without assuming to dictate in regard to the details necessary to give efficiency to the system you may adopt, I may be permitted to suggest that provision should be made for the establishment of school libraries as numerous and extensive as the means devoted to that purpose will permit.

The amount received into the treasury during the last fiscal year, to the credit of the common school interest fund, was \$28,399 06. About eight thousand dollars of this sum not having been received in time for distribution, yet remains in the treasury. This revenue is the interest accruing from the proceeds of the sale of the sixteenth section in every township as designated by the original surveys of public lands. In a few instances small portions of the school lands have been leased; but the general policy has been to make disposition by sale. The moneys received on sales has been loaned and the interest thereon, together with the interest on sums yet remaining due and secured upon the land is devoted exclusively to the support of common schools. As a large portion of the lands yet remain unsold, and as a part of the money already received, it is feared, has been loaned upon insufficient security and losses from other causes are apprehended, it is at this time impossible to estimate the value of the fund, or to make probable calculation of the amount of revenue

to be derived from it. The whole amount of principal now drawing interest is \$174,600.

The amount received during the last year to the credit of the university interest fund was \$9,035.40. Seventy-two sections of land were appropriated by Congress for the support of a University in Michigan, and the proceeds of the sale of the same are to be used as the proceeds of the sale of the lands of the University. The University has incurred for such other obligations as may be necessary for the prosperity of the institution.

There is a considerable amount of the value of the school lands, and the value of the university lands, which is fixed upon the lands, is not yet determined, and a large portion cannot be sold at that rate for many years yet to come. A reduction of price, however, is not deemed advisable at present. About one quarter of the lands has been sold, and the amount now at interest is \$132,576.

This fund is embarrassed by anticipation of its revenue. A loan of \$100,000 has been made on its account, for the payment of which and the accruing interest the fund is pledged; and this is calculated greatly to impair the present usefulness of the institution. The money has been expended and, except the buildings at Ann Arbor and the library and the apparatus they contain, little or nothing remains to show the usefulness or beneficial results of its expenditure. The interest due on account of the loan has been paid to the first day of July last; but for the amount that has accrued since, no provision has been made. As, from every consideration of justice, this interest should be paid with the least possible delay after it becomes due, I respectfully recommend that the State Treasurer be authorized to retain each year a sufficient sum from the University interest fund and apply it to that purpose. The remainder, when received, should, of course, be subjected to the control and disposition of the Regents for the beneficial purposes of the institution.

During the last collegiate year, branches of the University have been in operation at White Pigeon, Kalamazoo, Tecumseh, Detroit and Ann Arbor; at all of which places, except the latter, teachers have been employed by the Board of Regents, at an annual salary of five hundred dollars and the tuition fees. The primary department, or branch at Ann Arbor, has been under the charge of the professors in the University, who have been allowed, as perquisites, the fees received for tuition. For the year commencing in September last, appropriations have been made by the Regents of only two hundred dollars each to the branches at Tecumseh, White Pigeon and Kalamazoo. The branch at Ann Arbor is continued on the same conditions as heretofore, and that in Detroit without any assistance from the Board.

The main institution was opened on the 25th of September, 1841, and now contains about thirty students. Four professors have been appointed, of whom two only are yet under pay. The sum of \$300 per annum and the occupancy free of rent of one of the houses built for that purpose are allowed to each of the professors, besides an equal share of the fees for tuition received from the primary department. The facilities and inducements for study at the University of Michigan, are not excelled by those of any other similar institution of so recent establishment, and, in some of the sciences, particularly that of natural history, greater advantages are afforded than elsewhere can be had in the United States.

It is believed that the condition, both of the common school fund, and the university fund, might be improved and their productiveness increased by committing their care to some officer under the superintendence of Public Instruction. In the management of these funds, order of talent and qualifications are required, and essentially from the acquirements and habits of a professional education, that it is neither a matter of expediency nor propriety, that the character, should here be left to the discretion of the Legislature.

The office of Superintendent of Public Instruction is created by the

constitution, and, if the obvious meaning of that instrument be carried into effect, its incumbent should be required exclusively to devote his attention to the superintendence of public education; while duties, wholly fiscal in their character, should be assigned to other officers to be designated by law.

The interests of the State are not sufficiently protected by existing enactments in relation to the fiscal duties of the Superintendent. No officer should be permitted to receive or disburse the public money but under such restrictions as will ensure the immediate discovery of any default; and, as a necessary check, the amount received or disbursed, with the proper vouchers, should be kept in some other department of government. Yet the Superintendent makes important sales, and, from time to time, receives large sums of money, as well of principal as of interest, while no documents exist, accessible to other State officers, by which the true condition of his accounts can be ascertained. Years and years may elapse before even his successor can learn his defaults; for a failure to make the necessary entries and acknowledgment of receipt of moneys, in the books of his office, can only be known from the vouchers of their payment, issued to individuals and by them held in private.

During the last year and a half \$4,520 67 has been received into the treasury on account of the university principal fund, and the further sum of \$29,665 16 has in like manner been received to the credit of common school principal fund, all of which amounting to \$34,185 83 remains on hand. This sum was received in treasury notes or scrip, and, as no provision of law exists which authorizes that species of indebtedness to be re-issued, except for claims against the general fund, it could not, hitherto, be made available for the purposes of education. To save the university and school fund from loss, the amount, so due to each, should be considered a loan to the State, and the lawful interest, accrued and accruing thereon, should be paid from the treasury until the principal can be returned.

The legislature, at its last session, not knowing how many repre-

representatives to the National Congress Michigan would be entitled to send under the apportionment, then about to be made, provided by law for their election by general ticket; and it was made the duty of the executive, by proclamation, to make known to the electors the number when the same should be ascertained. Instead, however, of making the apportionment of members and, as had been customary since the adoption of the federal constitution, leaving the States to provide for their election in such manner as they deemed expedient, Congress arbitrarily exercised, in this regard, a power which if not unconstitutional, is at least, under the circumstances, doubtful in its character. The same act, which assigned to the States the number of their representatives, required their election in single districts.

The first clause of the fourth section of the constitution of the United States, provides that "the times, places and manner of holding elections for senators and representatives shall be prescribed in each State by the legislature thereof; but the Congress may at any time by law make or alter such regulations except as to the places of choosing senators." This provision so far as it confers any power on Congress, was inserted in the constitution to ensure the perpetuation of that body by enabling it to provide for the election of its own members if the States should neglect or refuse so to do. While, however, it was never expected the power would be exercised but on such neglect or refusal of the States, yet, being one of the conceded powers, the propriety of its exercise is a question of expediency, to be decided by Congress alone.

The constitutionality of the provision, requiring the members of Congress to be elected in single districts, in the present instance seems to depend upon the right of Congress to make or alter the regulations in part only, and its right to require the states to carry its enactments into effect.

On the one hand it is contended that the very terms of the constitution confer upon Congress exclusive jurisdiction of the subject, or no jurisdiction at all—that the history of the convention that formed the constitution and the history of the proceedings of the legislatures of the states which adopted it, confirm the correctness of this construction—that the very object to be effected, the election of members of Congress when the states refused to provide therefor, required, if at all, the exercise of this power in its totality. It is also urged that it is an anomaly in legislation to make enactments without collateral provisions by which to give them effect, and that the act in question is but an isolated dictum, which may or may not be regarded at the option of the states, a requirement that cannot be enforced—and that while the members of the next Congress may exclude from seats those not elected in accordance with its provisions, yet the members thus to be excluded may constitute a majority who would not be likely to be so excluded.

On the other hand it is affirmed by those who avow its constitutionality and consequently the obligation of the states to regard its requirements, that Congress is expressly authorized to *alter* regulations adopted by the states, and that to alter appropriately means to *vary* in some degree without an entire change—that in this view Congress may, at will, make specific changes and that the states, under the constitution, must give effect to the action of that body.

Whatever may be the result of your deliberations upon this subject, I presume you will concur with me that you, the chosen representatives of the people, and you alone, can appropriately determine and decide upon a question of so great concernment to Michigan. Coming as you do directly from the people, chosen as you have been since the question has been raised, I am confident you will make such decision as will accord with public good and the wishes of our common constituents. I doubt not you will also deem the act of Congress sufficiently authoritative to warrant the course of the executive

in withholding action on his part, the result of which would have been, to bring in collision the state and federal authorities. The constitutional enactments of Congress are as much binding upon the executive of a state as the laws of the state over which he presides; and, except in cases of manifest and undoubted usurpation by the general government, and in cases which from their nature admit of no delay, the people, the source of all power, should have opportunity, through their representatives, to express their will on subjects that threaten the harmonized action of our complicated yet beautiful system of government. Since the passage of the apportionment act, elections, by general ticket, have been held in the states of Missouri and Georgia; in the former of which, and it is believed in the latter also, under provisions of state laws requiring such elections without proclamation or other intermediate executive action. In Maine, where as in this state, a proclamation was necessary to give effect to the laws requiring the Congressional elections, the governor has withheld such proclamation, and, it is understood, has decided to refer the subject for decision to the representatives of the people of that state.

The reasons of the failure to elect members of Congress at the last general election, having been sufficiently and it is hoped satisfactorily explained, you will see the necessity of making provisions for that purpose during your present session. Under the new act of apportionment which is herewith transmitted, Michigan is entitled to ~~three~~ ^{four} members, and while I shall concur with you and give my assent to such a law as you may pass providing for their election, either by general ticket or by districts, yet I cannot but repeat the views expressed in my last annual message, that the latter mode better comports with the true principles of a representative government. The members of the senate represent the states, while the members of the house were designed more particularly to represent the people, and their election by districts seems best adapted to secure that object.

By a joint resolution, passed at the last session of the legislature the law was suspended which authorized the payment of a salary to the reporter of the decisions of the supreme court and of the court of chancery. The incumbent of the office of reporter, has, however, continued to discharge its duties, and has prepared and now has ready for publication, the decisions of the court of chancery made to the present time. Of the decisions of this court, about three hundred pages have been printed, but the remainder cannot be published without legislative aid. All the present justices of the supreme court, have furnished to the reporter their written opinions in cases decided by them previous to the January term of 1842, which, together with the opinions now in the hands of the late chief justice for revision, will make a volume of reports of that court.

It seems to me that the best interest of state requires the decisions of its courts to be published, and that much other printing is now required which is of less importance and less beneficial. Indeed I consider the reports of decisions which give construction to the statutes, as important as the statutes themselves, and as necessary to be distributed among the citizens of the state for their information and guidance. Besides it is confidently believed that if such reports were judiciously prepared under well digested regulations of law, the proceeds from their sale would nearly, if not altogether, reimburse the expense of their publication.

The present judiciary system, will probably engage your attention, and how far it should be altered or modified depends upon you to decide. On the upright administration of this department of government, in a great measure depends the enjoyment of our rights as citizens, and even the permanence of our free institutions. If our rights of person and property were subject to the caprice of a weak or a wicked judiciary, little else would be left worth preservation. Robbery, imprisonment, and murder committed under judicial forms, strike at the root of liberty, and no state can be happy in which they are committed with impunity. In appointments to judicial stations,

above all others, reference should only be had to purity of life, competent abilities, and fitness of character. No one should aspire to, or accept such a station, who is not conscious of his qualifications, and determined constantly to devote the whole energies of his mind, to a proper discharge of its duties. More depends on the character, ability and devotedness of the judicial officers appointed, than on the system under which they act. No perfection of system can supply the want of industry and competency. The system adopted in a new state like Michigan of course must have reference to the number of its population and to its condition generally. It may not be advisable to establish, and the people may not be able to sustain the most perfect system that could be devised and which would be best adapted to the wants of a state like New-York, with two millions of inhabitants and resources in proportion.

It may well be doubted whether the wants of the people demand, or whether the population or finances of the state warrant, at this time, the organization of the supreme court with separate judges whose duties shall be exclusively to decide issues of law. Too small a portion of their time would be occupied, and their offices would be too nearly sinecures. The discharge of duties upon the circuit, by a constant and beneficial exercise of the mind, better qualifies a judge for the performance of duties in the supreme court. The present system may, however, be improved by incorporating into it some of the features of the *nisi prius* system if not by adopting it altogether. More of the issues of law should be sent to the supreme court, where such issues more appropriately belong, and where their decision can be more satisfactorily made. Important questions of law cannot with profit be discussed or decided at the circuit; authorities are not usually accessible and time can seldom be spared to make satisfactory investigations. The business of the circuit, being limited to the trial of issues of fact, would be transacted with greater despatch, and with a consequent saving of expense to the people. The supreme court

whenever in session, may perhaps with advantage set for the whole state. The whole subject commends itself exclusively to your careful attention.

I have caused to be selected the greater portion of the 500,000 acres of land relinquished to the state by the act of Congress of September 4, 1841. Selections have been made in each of the several land districts of the state, but above three-fifths of the whole are situated in the valley of Grand River and in the country immediately north of that stream. As the agents appointed to make these selections have not yet made their final reports, the sufficiency of the appropriation for that object cannot at present be ascertained. It is however proper to advise you, that as the appropriation of last year was made from the internal improvement fund, to the credit of which nothing remained, I have found it necessary in some instances, to draw from the contingent fund, such sums as were required to defray the necessary current expenses of those employed in selecting the lands. Without this resource the work could not have progressed, and the object to be accomplished was deemed of sufficient importance to warrant the adoption of this course. Explorations have been carefully and extensively made, and it is believed the lands selected are desirable as well for their location as for their superior quality.

Among the duties incident to your present session will be that of providing for the disposition of these lands. The establishment of a land office at the seat of government or at some other suitable place in the state, is suggested as a measure worthy of your consideration. It is believed that the duties of a fiscal character now devolving on the superintendent of public instruction may, with advantage, be transferred to the person entrusted by law with the superintendence and control of the office proposed. Indeed, all the lands of the state whether held in fee or in trust, may there be made subject to sale or such other disposition as the Legislature, from time to time, may direct.

The price and terms of sale you alone can determine. Some locations on account of water power or other local advantages, of course, must be more valuable than others, and for this reason the lands should be offered at auction to the highest bidder before they are subject to private entry. The evidence of the domestic indebtedness of the state, should in all cases be received in payment, and the price should not be fixed so high that injustice would be done the public creditor who might be willing thus to receive satisfaction for his claims, nor so low that the state would receive an inadequate consideration in the exchange. Justice to those portions of the state, contiguous to the lands selected, also require their early disposition at a fair and just valuation.

Care should be taken to protect the public treasury by requiring the officer, who is authorized to receive the proceeds of sales, frequently to pay over the receipts, and by providing such other appropriate checks upon his proceedings, as will insure, without delay, the discovery of any default or omission of duty enjoined by law. Considerations of economy and safety may, perhaps, afford sufficient reasons for requiring the Secretary of State and the State Treasurer to perform the duties of the office proposed to be established in addition to the duties now required of them by law.

In accordance with the provisions of "An act relative to the State Salt Springs, and the lands granted for the use of the same," approved February 16, 1842, I have caused to be surveyed and laid out into lots, suitable for the manufacture of salt, so much of the lands adjoining the salt springs near Grand River as, it was believed, would soon be required for public use. Dr. Houghton, the State Geologist, under whose direction the necessary surveys have been made, has not yet made his report, but as soon as the same shall be received, a copy will be laid before the legislature. The surveys would have been made at an earlier day but from a hope that the completion of the improvement in progress would show the supply and quality of water obtained, and consequently afford some guide in regard to the extent of land required. The well has been sunk near-

ly 800 feet and the water discharged is equal to 200 gallons per minute. The saline qualities of this water, however, are not at present such as afford satisfactory assurance that salt can be manufactured from it extensively or with profit. Dr. Houghton is endeavoring by the sinking of tubes to shut off the fresh water and to ascertain the true saline qualities of the spring, and the quantity of water it will produce. The result of his experiments cannot of course be foreseen. The works of Mr. Lyon in the vicinity of those belonging to the state are in successful operation.

By the terms of the act of Congress relinquishing to the State the salt spring lands, the legislature is inhibited from selling or leasing them at any one time for a longer period than ten years except by the consent of Congress. If this restriction be regarded as obligatory upon the state, a large portion of the lands will be of little use.

The legislation of last year on the subject of banks and of currency has been salutary in its influence. The numerous bankrupt institutions, that had previously inundated the state with their irredeemable and worthless paper, have ceased to exist, and their assets, when any could be found, have been put into the hands of receivers. The remaining banks have maintained specie payments and have ceased to issue notes payable elsewhere than at their counters, or in other commodity than gold and silver. It is proper, however, to inform you that the Attorney General, at my instance, has made thorough examination into their condition, and while he reports that nothing has been discovered that need give alarm to the bill holder or other creditor, such examination did not afford him entire satisfaction with regard to their management; but as a disposition was evinced to apply a speedy remedy to the evils complained of, and as the public seemed not to be endangered, he deemed it within the scope of his authority to afford reasonable time for that purpose. Banking institutions and all other incorporations, while the execution of the laws is entrusted to me, will be required in their action to conform to the provisions contained in the acts of their incorporation, and every de-

part not authorized by law, will be deemed a violation of charter and forfeiture enforced.

The owners of the Hartford and Meriden Bank refuse to submit and returned to the examination of the Bank Commissioner. It is worthy of your consideration whether the examination of its charter should not be made as will make it subject to investigation and examination in the same manner as other banking institutions.

If stockholders, directors and other officers, were by law prohibited from receiving loans and discounts from the banks under their control, and at the same time made personally liable for all their debts, a portion at least of the evils incident to the banking operations would be remedied. Some of the motives for obtaining bank charters and bank stock would be removed, and less bank paper would be issued without a sufficient specie basis. So well am I convinced that such a law would be salutary in its influence, that I have no hesitation to recommend it in addition to the restrictions now imposed upon banks. No injustice would be done to individuals, while the safety of bill holders would be greatly increased. In partnerships for other business each individual partner is liable for all the debts of the association, and no sufficient reason is perceived for exempting the members of a partnership for banking from a similar liability. Banks should also be prohibited from issuing at their counters or otherwise putting in circulation bank notes other than their own.

Acts of incorporation are grants of exclusive privileges and should be given, if at all, with a sparing hand. Those which authorize the exercise of banking powers are most liable to abuse. Public good is always the pretext under which they are asked, but in the exercise of the franchise when granted, public good is no longer considered. In such applications impulses of patriotism are less the motives of action than the promptings of individual interests.

If banks, as they profess, were really money lending institutions, their usefulness would be less questionable. Every stockholder

should be a money lender to the amount of his stock. Unfortunately, however, banks are controlled more by borrowers than lenders. Their capital should be exclusively specie ; but that is a commodity little used for such a purpose. Their issues of paper, for the most part, have no basis but fiction, and until an efficient remedy can be found for this evil, so fatal and yet so universal, the public will be subject to loss by the frequent failure of banks.

The property of a people consists in the productions of its industry. Banks and bankers do not increase those productions. The officers of banks contribute nothing to the wealth of the State ; their object is to live upon the industry of others. They are not a producing, but a consuming class, and the tendency of all just legislation is to reduce this class to the least possible limit.

The intent of a republican government is that each individual without molestation shall enjoy what his industry has produced. The object of our fathers of the revolution, in the struggles which they endured, was the establishment of individual rights to the exclusion of privilege and monopoly. The principles of just and equal rights and consequent popular liberty were by them fearlessly asserted in that immortal document, the declaration of independence, and, under all circumstances, maintained until opposition ceased to be made. Principles, thus hallowed, should be preserved in their purity, and exclusive privilege, if conferred at all, should only be conferred when imperiously demanded by public good. Applications for individual aggrandizement, though urged under pretexts of patriotism, should meet only rebuke at your hands.

By the constitution of the state, it is made the duty of the legislature to provide by law for organizing and disciplining the militia, and particularly to provide for the efficient discipline of the officers, commissioned and non-commissioned. Perhaps no other subject, coming within the scope of your duties, will be more difficult of adjustment than this, or about which exist opinions more variant, or more difficult of reconciliation. The legislature has hitherto post-

poned a revision of the laws upon this subject, more perhaps from the causes adverted to, than from a conviction that such revision was not required. The existing laws in regard to the militia were mostly passed previous to the organization of the state government, and, as under such circumstances might be expected, in many instances are inapplicable, of difficult construction, and often contradictory in their provisions.

I am fully aware of the repugnance that, to a great extent, exists in the public mind against such an organization of the militia as, in giving it effect, will require of the citizens attendance upon trainings and reviews and subjection, at stated times, to strict military discipline. If, however, a well organized and disciplined militia be necessary for the preservation of the just rights and liberties of the people, it is your duty to provide for its maintenance and improvement.

If its moral influence, as well as its physical power, be important to the preservation of the body politic, then patriotism requires all good citizens to lend their aid in giving it efficiency. If it be a system that is essential to the perpetuation of free institutions, it deserves our fostering care. In the old world the people are not allowed the possession of arms, and it is worthy of remark, that among the first amendments to the constitution of the United States, was one which declared that the right of Americans to bear arms, should never be infringed, and that a well regulated militia was necessary to the security of a free state.

From the efficient manner in which the duties of the office of Adjutant General have been discharged, and from the assistance and co-operation of other officers, considerable progress has been made in the organization of the militia, during the past year; but from impediments encountered, among which not the least is the imperfect legislation upon the subject, that organization is far from being complete.

I herewith transmit the report of the Adjutant General, and commend it to your attentive consideration. I am particularly impressed with the justness of the remarks it contains upon the subject of inadequate compensation for the services required of that officer.

The whole number of militia enrolled and mustered, including officers of all grades, musicians and privates, 47,050, of which, however, only 20,673 were duly returned according to law. The necessary returns have been made to the general government, to ensure the due quota of arms to which the state is entitled.

Without some appropriate action during your present session, by which necessary facilities may be afforded, the entire organization of the militia cannot be effected. But from the hope of an immediate revision of the laws, the officers, who have the subject in charge, would long since have abandoned the undertaking. The situation of the state, bordering upon the territory of one of the most powerful kingdoms in the world, seems to require fit and proper provisions for its defence, on which reliance might be placed in case of attack. Common prudence should admonish us to provide for safety when danger is far away. I, however, advise that whatever plan you adopt, you impose the least possible burden upon the people, consistent with the provisions of the constitution and the object to be effected. Encouragement should be given for the formation of volunteer companies, by shortening the period during which their members are liable to perform military duty, or in such other method as you may deem just and proper.

By a joint resolution, approved February 4th, 1842, the legislature proposed an amendment to the constitution, by which, with specified exceptions, every law authorizing the borrowing of money, or the issuing of state stock, is required to be submitted to the people at the general election then next to be held, and be approved before the same shall take effect, by a majority of votes given on the question of its adoption. This proposed amendment, as required by the constitution, was duly published for three months, previous to the last

general election, and if two-thirds of the members elect to each house of the present legislature approve the same, it will then be your duty to submit it to the people in such manner and at such time as you deem most appropriate.

In my last annual communication, the situation of the works of internal improvement were described in detail, and the future policy of the state, in regard to their further prosecution, explicitly pointed out, and without reserve recommended.

The legislature, at an early day of its last session, by a joint resolution, required the acting Commissioner to forbear entering into any new contracts or arrangement involving expenditure of money not then already contracted to be expended upon the works of internal improvement; and consequently the operations of the board during the last year have been, in this regard, restricted to the carrying into effect contracts that had been previously made. Expenditures have been made under such contracts on the

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| Detroit and Grand River Road, | \$2,714 93 |
| Improvement of Grand and Maple Rivers, | 870 26 |
| Northern Rail Road or Turnpike, | 2,018 06 |
| Clinton and Kalamazoo Canal, | 538 28 |
| Southern Rail Road, | 53,824 24 |
| Central Rail Road, | 110,584 77 |

| | |
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| Making a total expenditure the last year of | \$170,545 53 |
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Of the works of the state, the Central and Southern rail roads only yield a revenue. The receipts on the former during the year ending Nov. 30, 1842, were in all \$436,895 33, of which \$73,819 37 was expended for repairs and running the cars, leaving \$363,075 96 net profits. Since the 8th of April last, when the present acting Commissioner took charge of the works of internal improvements, embracing a period of less than eight months, the whole receipts amount to \$114,302 74, of which during the same time was expen-

ded \$42,225 82, leaving the sum of \$72,076 92 net profits. This road during the year has been finished and in use between Detroit and Jackson, a distance of only about eighty miles, and the net earnings for that period have been about six per cent. on its original cost. The expenditures for construction, since the last report of the board have been restricted to that portion between Jackson and Marshall, and which is now so far advanced that it will be ready for the iron early in the spring.

The receipts on the Southern rail road for the year past were \$15,710 52, which have been expended in repairs and for running the cars. The value of this road, however, cannot be estimated by the amount of revenue it has hitherto produced. It has only been used between Monroe and Adrian, a distance of thirty-six miles. At Monroe, its eastern termination, difficulties have existed tending to diminish the business of the road and consequently its revenue to the State. The road was originally constructed to a point where the ship canal then in a state of forwardness, was to terminate. A failure to complete the canal rendered the eastern termination of the road inaccessible to vessels; and La Plaisance bay rail road, which though it terminates at a point accessible by vessels, and is connected with the southern road, was so defective in its original construction and is now in such dilapidated condition, that a locomotive engine cannot with safety pass over its track. These inconveniences are likely soon to be removed by the completion of the ship canal. If however, this work be retarded, the La Plaisance bay road should be put in such repair as will permit its use with locomotive power. The extension of the road to Hudson, fifteen miles west of Adrian, which is the termination of the Erie and Kalamazoo rail road, and a removal of the obstacles to a convenient transshipment at Monroe will, in a great measure, obviate competition and secure to the state a revenue more proportionate to the cost of construction. The usefulness of the southern road, as well in regard to the income to be received by the State, as to the facilities to be offered to the southern

tier of counties, so much depends upon the certain, free, and unrestricted accessibility of vessels of all classes to the point designated as its eastern termination, that it is well worthy of your inquiry whether some appropriate enactment may not be required to secure more effectually, so desirable an object. No information is within reach of this department sufficiently authentic to warrant any express recommendation, and for your guidance you must rely on knowledge of the subject that may be communicated from other sources.

By a joint resolution approved February 17, 1842, the board of internal improvement were authorized to pledge, for a term not exceeding five years, the net proceeds of the Southern railroad for the purchase of iron necessary for its completion to Hillsdale. The board have used every exertion on their part, but have been unable to obtain the iron on the terms prescribed. A quantity of iron sufficient for about ten miles, found in possession of the state and not required for immediate use, has been put upon this road, by which means, with the use of a few miles of wooden rails, it will hereafter be used with locomotive power between Hudson and Monroe, a distance of fifty-one miles. The whole track is now prepared for the iron to Hillsdale.

For a more detail account of the works of internal improvement, you are respectfully referred to the annual report of the board. With the views presented in that report I generally concur, and recommend the same to your careful consideration.

With regard to the future policy of the state on this subject, I entertain the same views that were communicated to the legislature in my last annual message, and which I now repeat. The completion of the plan of internal improvement, as originally projected, can no longer be hoped, at least for many years to come; and, therefore, the present action of the legislature, having in view its further prosecution, should be restricted to such portion of the system, as will yield the greatest revenue to the impoverished treasury of the state, and at the same time, afford facilities to the greatest number of our

citizens. The first money that can be made available for that purpose, should, I think, be applied to the purchase of the iron necessary to complete the Central road to Marshall, and the Southern road to Hillsdale. Thereafter accruing means will be expended with greatest advantage to the state, in the further construction of the Central road west of Marshall.

The indebtedness of the state on account of the five million loan, and the loan of a hundred thousand dollars each to the Ypsilanti and Tecumseh railroad company, and to the Marshall and Allegan railroad company, for which consideration has been received, as ascertained by the Auditor General and State Treasurer, under the act of February 17, 1842, and the joint resolution of the same date, amounts to \$2,342,960 24 ; and taking this sum as the true amount due on account of those loans, our entire indebtedness is as follows :

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| For loans above named, | \$2,342,960 24 |
| General fund bonds, | 100,000 00 |
| University bonds, | 100,000 00 |
| Detroit and Pontiac railroad bonds, | 100,000 00 |
| Penitentiary bonds, | 60,000 00 |
| Delinquent tax bonds payable in New-York, | 31,000 00 |
| Palmyra and Jacksonburg railroad bonds, | 20,000 00 |
| Interest on the above to January 1, 1843, | 236,524 75 |
| Delinquent tax bonds to counties, | 109,245 67 |
| Warrants on general fund, | 17,489 26 |
| Warrants on internal improvement fund, | 262,372 69 |
| Other warrants, | 1,998 97 |
| University fund, | 4,520 67 |
| Primary school and interest funds, | 38,434 99 |
| Scrap, | 110,787 00 |
| Total debt of the state, | <u>\$3,535,334 24</u> |

Since the close of the last session of the legislature, information has been received by the State Treasurer, that enables him to furnish nearly a complete list of the holders of the bonds of the state now

outstanding, and to discriminate those who have paid a consideration. The substance of that information is contained in a communication from that officer to me, of the date of the 6th of December last, and which is herewith transmitted. By that communication it will be seen, that of the bonds of the five million loan, \$3,855,000 is yet the property of the Bank of the United States, hypothecated, however, on terms not fully transpired, to various houses in Europe, of which a list is given, together with the amount and description of the bonds that are held by each. The circumstances of the hypothecation warrant the belief, that the equity existing between the state and the bank, has been in no way affected by that transaction.

While our relation to our constituents makes it our first duty to protect their interests, we are equally bound to do justice to the public creditor of the state. Every just claim should be acknowledged and means of payment provided with the least possible delay. That state which resorts to its sovereignty to avoid pecuniary obligations, of which the justness is not denied, while it does not cancel its indebtedness, sets an example that tends directly to subvert all government. By the same rules that bind individuals, should states regulate their action; the same moral obligations that require in individuals the observance of good faith, require also its observance on the part of sovereign states. Michigan, while the virtue of her population remains, will never refuse acknowledgment of her just debts nor fail to make payment when the means are within her power. True it is that circumstances have rendered it impossible, for the time, to meet with promptness all just claims upon her treasury; but no disposition has ever been evinced by her constituted authorities to do injustice. Present inability and consequent temporary delay, should not be construed into refusal or wilful neglect. The works of internal improvement, constructed with the proceeds of the loans for which the state is indebted, and its other property, are offered without reserve, in liquidation of its indebtedness; not, however, as a tender, but as an assurance of good faith, satisfactory it is hoped, to those

who are disposed to await returning ability on the part of the state, and as the only means within our control with which to satisfy the claims of such as, without regard to circumstances, demand payment at the present time. And while at all times Michigan has so sincerely manifested an ardent wish to fulfil her engagements and preserve her plighted faith inviolate, I regret that it is not in my power to lay before you some just and equitable proposition from the holders of the bonds of the state for which no consideration has been received, and which every principle of justice requires to be surrendered.

By the act of February 11, 1842, the several railroad companies were authorized to discharge their liabilities to the state, on account of the loans contracted in their behalf, by a return of the bonds issued, or the payment into the treasury of an equal amount of other state securities. None of such corporations have, however, availed themselves of this provision, nor have they in any case provided for the interest that has accrued on the several loans negotiated for them by the state.

Of the whole indebtedness of the state, as shown above, \$544,849 25, exclusive of interest, is due to our citizens, the counties and the school and university funds. This domestic indebtedness, the payment of most of which was never intended to be delayed, should be cancelled as soon as possible, and in such manner as will satisfy all interested. The amount due the counties will be mostly paid by offsets for taxes, and that due the education funds, as has already been intimated, may be retained by the state on payment of interest. The warrants drawn against the internal improvement fund, being the greatest item, and nearly one-half of the domestic debt, and which is now most depreciated, it is believed, may be soon paid by the proceeds of the sales of the state lands and of the assets of Michigan State Bank, or by an immediate exchange, at the option of the creditor.

The scrip was issued on account of the works of internal improvement and should properly be redeemed by that fund; but as by the

law authorizing its issue, it was made receivable for all taxes and dues to the state, it has been redeemed in part by almost every fund created by law. It will of course be receivable for sale of state lands and no further legislation on the subject of scrip is deemed necessary unless it be thought advisable to prohibit its reissue altogether. Nearly one-half of the amount outstanding was redeemed during the last year, and without further action of the legislature, the remainder will soon be absorbed. Its re-issue for any other purpose than that now authorized by law, should not be allowed. Beyond question of doubt, it is precisely that species of currency which, by the Constitution of the United States, the States are prohibited from issuing, and I should deem it my duty to withhold my approval from any bill authorizing the issue of further sums or the reissue of the present scrip beyond the requirements of the law by which it was created. Besides the objections of a constitutional character, the impolicy of resorting to paper issues for temporary relief has been so clearly demonstrated, by lessons of the past, that such a measure should never receive your sanction. The proposition to fund the scrip now outstanding, however desirable such a measure might be, is not believed to be feasible as sufficient inducements cannot be offered for its surrender.

The collateral securities taken in 1840 from the Morris Canal and Banking Company, should be surrendered on the adjustment of the five million loan, as contemplated in the act of February 17th, 1842; and any sums that, in the meantime, may be realized from them should be accounted for to the parties in interest. The nominal amount of these securities was \$621,000, and at the time they were obtained were estimated by the late Treasurer, who procured them in behalf of the State, to be available for at least half a million of dollars. From information, however, more recently obtained, it is believed they are of but little value, and that, with the exception of the judgment of \$40,000 upon the fixtures of the Long Island Rail-

road Company, whatever else is realized must be obtained by expensive proceedings at law. The late State Treasurer, as appears by his report, deposited these securities for safe keeping in the hands of an attorney in New-York, to whom, for his assistance in obtaining them, he had paid a thousand dollars. For safe keeping eighteen months, that being the time they remained in his possession, this attorney charged the State at the rate of a thousand dollars a year with fees in addition for all services actually performed; and though during that period he claimed, in his account presented, to have been a special agent of the State in attending to its interests and making negotiations in relation to claims assigned, yet he neglected to make investigation into the state of the securities, or to give any satisfactory statement respecting them, for the reason, principally, as appears by his letter on file in the office of the State Treasurer, that he had no funds to meet the expense. They have since been deposited in the hands of Messrs. Lee, Dater & Miller, a responsible mercantile house in New-York, who will receive any payment that may be offered, with no other expense to the State than reasonable compensation for services rendered. The direction of the legislature is requested in regard to the course to be pursued with these assets.

From the assets of Michigan State Bank the trustees have collected in state securities \$29,641 71, and have obtained lands in settlement with some of the debtors estimated to be worth \$12,075 50. A large amount of these assets before their assignment to the State, had, for the purpose of collection, been put into the hands of two gentlemen, partners in the profession of law, who now under pretext that injustice has been done that institution by enactments of the legislature at its last session, refuse to account to the trustees or to pay over any moneys by them collected. Proceedings have been instituted and are now pending in the court of chancery by which the legality of their refusal will be tested. These assets amounted nominally, at the time of the settlement with the bank, to above \$630,000, but it is believed, that, with the best possible management, the

amount to be realized will be comparatively small. The report of the trustees is herewith transmitted.

There is now due the State Treasury from the several counties \$112,409 81, of which \$58,296 07 is for assessment of 1842. There is now remaining due in the Auditor General's office for unpaid taxes the sum of \$138,225 87. The amount due the primary school interest fund remains in the Treasury on deposit.

The above together with the lands already mentioned and the revenue of the Central and Southern Railroads, constitute all the resources of the State from which income can be expected the ensuing year.

The entire expense of the State government, during the year ending Nov. 30, excepting expenses of the State prison, amounted to the sum of \$45,640 76.

I herewith transmit the first annual report of the board of Auditors appointed under the act of the 14th of February, 1842, and which contains a statement in detail of their proceedings during the past year.

I invite your attention to a thorough examination of the situation of our finances. A state can never be truly prosperous while its finances remain in an uncertain and embarrassed condition. Expenses should be incurred for necessary objects alone, and the strictest investigation made into the justness of all claims that are presented for your allowance. As a great part of the expenditures for the support of the state government are made in payment of the members of the legislature or for printing and other objects incident to its session, you will, I doubt not, so direct your labors that while you will not act with precipitation or pass enactments crude and undigested, you will at the same time, with a view to diminish the burdens upon the people, bring your session to a close at as early a day as is consistent with the public good and a proper despatch of public business.

In connection with the subject of our finances, I deem it my duty to call your attention to the unseated and unpatented lands within the limits of the state. The quantity and value of this domain, and a due regard to the rights of Michigan as an independent state, seem

to demand at least an inquiry into the right of its fee, exempt from taxation, as claimed by the general government.

The states, under compact of the federal constitution, are more properly confederated sovereignties than integral parts of a central government. The present confederation differs little from that formed before the adoption of the constitution, except in the enumeration of powers, and the certitude with which they are delegated.

The states then are sovereign, and one of the most essential attributes of sovereignty in a state, is its right to possess all waste and unpatented lands within its limits, and to dispose of the same at will. This right is not only claimed and exercised in regard to wild and unoccupied lands, but in regard to those occupied and improved, when the proprietor dies without heirs recognized by law, or when, from any cause, no claimant can establish a legal title.

The sovereignty of the original states conferred the title by which they held the public lands within their limits and why should not the same efficient cause produce a like effect in the new states? The independence of the one class is, in all respects, as perfect as that of the other. Congress may admit new states, but it can superadd no conditions. The constitution makes no distinction in regard to their rights, and none can be made by other authority.

Congress has, however, exacted from the new states, as a condition of their admission, a conventional acknowledgment of the proprietary interest of the general government in the public domain, to their own exclusion. This is at least an indication that the general government has not full confidence in its title by reason of any constitutional provision; for a right conferred upon that government by the instrument from which it derives its existence, requires no additional sanction to give it validity; and such an acknowledgment exacted as the price of admission from a state, not yet a member of the Union and when no other of its acts would be recognized as legal, would be void for duress, if it were not void for violation of the constitution. Congress cannot bargain with the states for their reserved rights.

Conceding, however, that by the terms of their original grant, and by the second clause of the third section of the fourth article of the Constitution, the fee of the public lands is secured in perpetuity to the general government, then we may well inquire what impediment exists to prevent their unrestricted taxation by the states.

The right to assess and levy taxes, is an attribute of sovereignty, and without its exercise no government could exist. The states would be neither sovereign nor free, if they did not possess the power to levy all needful taxes for their support. No authority but the federal constitution can restrict them in the exercise of this power ; and where, it is asked, with most emphatic meaning, is to be found in that hallowed instrument, the provision that takes from a state the right to tax all lands within its limits ? If the clause of the Constitution adverted to confers the title upon the general government, the sovereignty of the states yet remains undiminished in regard to the right of taxation. No constitutional inhibition can be pretended, and the right has never been surrendered by Michigan, since she has been an acknowledged member of the Union.

I have much confidence in the correctness of the views here briefly presented, particularly those which relate to the right of taxation ; yet, as a different doctrine has so long prevailed, and as the new states have so long acquiesced in the claims of the general government, I am prepared at this time to recommend no definite action in regard to the subject. It is of deep concernment to the state, and requires mature and deliberate consideration. No step should be hastily taken, and none that it would be found necessary to retrace.

The Geological and Topographical survey of the State, upon the plan originally proposed, has been steadily progressing and the field work has been brought to a close. The original plan of organization for the completion of this work was such that a large amount of the labor, which in the surveys of other states has been performed by assistants was here imposed upon the person to whom was con-

trusted the charge of the work. For this reason a considerable amount of office work yet remains to be performed. The large amount of materials collected for the final report are yet to be arranged, the analysis of minerals and soils to be finished, and the drafting of geological and topographical maps to be completed.

While it is desirable that the results of this work should be laid before the public at as early a day as possible, sufficient time should, nevertheless, be allowed for the digestion and compilation of the final report and for drafting the necessary maps and diagrams.

The publication of the topographical maps of the state and of the counties, as required by law, was suspended in consequence of the embarrassments of the treasury, but has recently been resumed by the geologist and maps of the several counties will be speedily laid before the public.

If the commencement of a geological survey of the state was now the question presented for consideration, I should have no hesitation in recommending its postponement, and whilst I think the survey now in progress was prematurely undertaken, yet as it is so nearly brought to a close, true economy seems to require its completion.

During the year ending October 31st, 1842, fifty convicts were received into the state prison, and during the same time four escaped, one was killed in his recapture, one died, nineteen were discharged by expiration of sentence, two were pardoned by my predecessor and two by me, and at that date eighty-seven still remained. The whole value of labor performed by convicts during the year, is estimated by the agent at \$9,127 04, and he is of opinion that the entire yard wall and other necessary improvements in the prison, may be completed by the labor of convicts during the present year, without appropriation from the legislature. After the completion of the prison, it is hoped that the proceeds of convict labor, now applied to the improvements in progress, will be sufficient to defray the en-

the expense necessary for safe keeping and maintenance of the prisoners.

The recent numerous disasters upon the lakes, involving the loss both of property and life, affords, perhaps, a sufficient reason for calling your attention to the situation of our harbors. Michigan, being almost entirely an agricultural state, pays more than a due proportion of the revenue of the government, and yet, with a greater extent of navigable coast than any other state in the Union, the amount expended within her limits for the improvement of harbors, has been comparatively small. The value of property lost upon our shores within the last few years, for the want of sufficient harbors, probably exceeds the amount necessary for their entire construction. A proper representation of the facts to Congress, may perhaps induce that body to take the subject into favorable consideration.

JOHN S. BARRY.

January 2, 1843.

On motion of Mr. McCamly, 5,000 copies of the message and 2,500 copies of accompanying documents were ordered to be printed, and,

On motion of Mr. Lothrop, the House adjourned until to-morrow morning, 9 o'clock.

TUESDAY, January 3, 1843.

The House met pursuant to adjournment.

Mr. Goodwin from the committee on revision of rules and orders, reported the rules of last session with various amendments, when

Mr. Patterson moved the reference of the report to the committee of the whole, which was lost.

Mr. Goodwin moved that the report be taken up by the House, which motion prevailed, and,

On motion of Mr. Lamb,

The 31st rule was amended by adding a committee on Federal Relations, and,

The rules as reported were adopted.

Communications were received from the President of the board of Internal Improvement, and from the State Treasurer, covering their annual reports, which were severally laid upon the table.

Mr. McCainly moved a reconsideration of his motion yesterday, in relation to the printing of the Governor's message, which motion prevailed.

On motion of Mr. Schoolcraft, amended by Mr. Littlejohn,

Resolved, That the Clerk of the House cause to be printed for the use of the House 1,400 copies of the Governor's message in the English, 500 copies in the French, 200 copies in the German languages, and that he cause the same to be translated accordingly.

Mr. Bush offered the following resolution :

Resolved by the Senate and House of Representatives of the State of Michigan, That section 43 of an act entitled "An act for the assessment and collection of taxes," approved February 16, 1842, be suspended until the first day of January, 1844.

Mr. Bush moved a suspension of the rule, which did not prevail, and the resolution lies on the table until to-morrow.

Mr. Littlejohn gave notice that he will at some future day ask leave to introduce a bill entitled an act to amend an act entitled "An act to amend the several acts concerning the supreme court, circuit court and courts of chancery of the State of Michigan," approved Feb. 11, 1837.

Mr. Littlejohn offered the following resolution :

Resolved, That the Clerk of this House invite the reverend Clergy of the city of Detroit, to officiate alternately, at the opening of the morning sessions, by prayer, receiving therefor only such compensation as the members shall voluntarily contribute.

Mr. Lacey called for the yeas and nays on the passage of the same, and the vote stood as follows :

Yeas—Messrs. Anderson, Andrews, Axford, Barnard, Beach, Cady, J. L. Gage, Goodell, Godfroy, Goodwin, Hagaman, Hixon, Johnson, King, Lothrop, Lawrence, Littlejohn, Livermore, McCamy, McLeod, Moore, Mottram, O'Keefe, Olds, Patterson, Provost, Purdy, Rice, Rix, Rowland, Schoolcraft, Smith, Snell, Snow, Vaughn, Vickery, Videto, Waldron, Weld, Younglove, Speaker—41.

Nays—Messrs. Bush, Carpenter, W. Gage, Howe, Lacy, Lee, Murray, Poppleton, Pratt, Seeley—10.

On motion of Mr. Goodwin,

Resolved, That the Secretary of State be directed to supply the tables of members with the laws and documents which the law entitles them to.

The Speaker announced the following standing committees :

Ways and Means—Messrs. Goodwin, Lacy, Lamb, Cady and Vaughn.

Judiciary—Messrs. Littlejohn, O'Keefe, Johnson, Moore and Bush.

Claims—Messrs. Snow, Seeley, Younglove, Vickery and Purdy.

Elections—Messrs. Lee, Lawrence, Carpenter, Howe and Andrews.

Banks and Incorporations—Messrs. Bush, King, Provost, Hixon and J. L. Gage.

University, School, State and Salt Lands—Messrs. Johnson, Rice, Barnard, W. Gage and Vickery.

Printing—Messrs. Patterson, Beach, Vaughn, Bush and Pratt.

Internal Improvement—Messrs. Lothrop, Brown, Godfroy, Axford and McCamy.

Federal Relations—Messrs. O'Keefe, Littlejohn, Videto, Mottram and Schoolcraft.

Agriculture and Manufactures—Messrs. Howe, Olds, Poppleton, Goodell and Rice.

Militia—Messrs. Livermore, Hagaman and Rix.

Supplies and Expenditures—Messrs. Smith, Rowland, Murray, Lamb and Patterson.

Organization of Towns and Counties—Messrs. Anderson, Axford and Waldron.

State Prison—Messrs. Videto, Goodell and Snell.

Roads and Bridges—Messrs. Moore, Olds and Livermore.

Education—Messrs. Barnard, W. Gage, Rice and Waldron.

Enrollment—Messrs. Pratt, Lee, Lothrop, Littlejohn and Carpenter.

Mr. Videto offered the following resolution, which was adopted on division :

Resolved, That the Clerk of the House furnish, at the expense of the State, to each member of the House of Representatives, such newspapers as they shall respectively direct, not exceeding in value two daily papers.

Mr. Bush moved a reconsideration of the vote, which motion prevailed, and

On motion of Mr. Lothrop, the same was laid upon the table.

Mr. McCamly offered the following resolution, and on his motion the rule was suspended and the same adopted :

Resolved (the Senate concurring.) That the Legislative Manual, consist of the matters embraced in that of the last Legislature, together with a copy of the census of 1910, and that the same be bound in like manner as last year.

On motion of Mr. Littlejohn,

Resolved, That the use of the representative hall be tendered to the Military Convention to hold their meetings, at any hour after the adjournment of the House each day.

On motion of Mr. Lamb,

Resolved That there be a committee of three appointed on the part of the House to confer with a committee that may be appointed on the part of the Senate, upon the "joint rules of the Senate and House of Representatives" of this state, and the "rules of the Senate and House of Representatives in joint convention."

Whereupon the Speaker announced Messrs. Lamb, Rice and Moore, as such committee.

On motion of Mr. Anderson,

The House adjourned until 10 o'clock to-morrow morning.

WEDNESDAY, January 4, 1843.

The House met pursuant to adjournment.

The journal of yesterday was read and corrected.

PETITIONS.

By Mr. Waldron. Of 1,000 citizens of the county of Hillsdale asking for the removal of the seat of justice of said county to the village of Hillsdale. Referred to the committee on towns and counties.

By Mr. Waldron. Of Salmon Sharp and 55 others of the town of Adams, Hillsdale county, for relief in regard to school moneys. Referred to the committee on university, school lands, &c.

By Mr. Littlejohn. Of inhabitants of the township of Martin for the organization of a township.

By Mr. Johnson. Of Junius H. Hatch, to annul the corporation limits of the village of Grand Rapids. Referred to the committee on banks and incorporations.

By Mr. Bush. Of Ellis and Briggs, relative to printing. Referred to the committee on printing.

The Speaker announced a communication from the auditor general, transmitting his annual report, which was referred to the committee on ways and means :

MESSAGES FROM THE SENATE.

The following messages were announced from the Senate by their Secretary, J. L. Platt, Esq.:

SENATE CHAMBER. }
 Tuesday, January 3, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit to the House a joint resolution authorizing the Governor to employ a private secretary, which the Senate have adopted and respectfully ask the concurrence of the House therein.

Also, to return a "joint resolution in relation to joint rules," and respectfully inform the House that the Senate have concurred therein.

JAS. E. PLATT,
 Secretary of Senate.

And the House concurred in the resolution authorizing the Governor to appoint a private secretary, and ordered the joint resolution in relation to joint rules enrolled.

SENATE CHAMBER, }
 January 4, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return to the House a joint resolution in relation to a Legislative Manual, and to respectfully inform the House that the Senate have concurred therein.

Also, to inform the House that Senators Cusk, Warner and Bell, have been appointed a committee on the part of the Senate, upon the joint rules of the Senate and House of Representatives, and the rules of the Senate and House of Representatives in joint convention.

JAS. E. PLATT,
 Sec'y of Senate.

And the joint resolution in relation to a Legislative Manual, was ordered to be enrolled.

SENATE CHAMBER,
January 4, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit to the House a joint resolution for the appointment of a joint committee to make arrangements with the Postmaster of Detroit for delivery of communications directed to members and officers of both Houses, &c., which the Senate have adopted and respectfully ask the concurrence of the House therein.

Also, to inform the House that Senators Bell and Howell have been appointed said committee on the part of the Senate.

JAS. E. PLATT,

Sec'y of Senate.

And said resolution was concurred in, and Messrs. McCamley and Lamb appointed the committee on the part of the House.

On motion of Mr. Rice, the rule was suspended and the following joint resolution directing the Secretary of State to furnish members of the Legislature with certain laws, journals and documents, adopted:

Resolved by the Senate and House of Representatives of the State of Michigan, That the Secretary of State be directed to furnish the tables of the Senators and members of the House of Representatives, not already supplied, with one copy each, of the session laws, journals and documents of the last legislature.

Mr. Lothrop called up from the table the resolution of Mr. Videto in relation to supplying members with newspapers, and offered the following substitute, which was adopted :

Resolved, That Bagg and Harmon be appointed printers to this House until otherwise ordered : Provided, they do all printing ordered by this House on the same terms and in the same manner as they contracted to do the same for the last legislature.

Mr. Goodwin laid the following joint resolution on the table :

Resolved, the Senate concurring, That all joint documents, after the present year, when ordered to be printed by either House, or in pursuance of law, shall be printed in book form and paged, and a sufficient number preserved for binding, at the end of the session for the joint documents of the two Houses.

On motion of Mr. Goodwin,

Resolved, That the committee on printing contract for the printing of this House with such person as will give satisfactory assurance that it shall be well and promptly done, at the least expense in the following manner, viz :

The journal, after its correction, shall be printed in book form, regularly paged, so that the whole daily journals, when bound, shall form the journal required by the constitution. As soon as a sheet shall be printed one copy shall be laid on the table of each member of the two houses, and the presiding officers thereof, and 200 copies of each sheet so printed, be preserved for binding.

The House documents shall be printed and preserved for binding in the manner above specified.

On motion of Mr. Goodwin,

The report of the Secretary of State was referred to the committee on ways and means.

On motion of Mr. Lothrop,

The report of the board of internal improvement was referred to the committee on internal improvement.

On motion of Mr. Bush,

The House proceeded to the election of Sergeant-at-Arms, when the vote stood as follows :

FOR WILLIAM TERRY,

Messrs. Anderson, Andrews, Axford, Barnard, Beach, Bush, Cady, Carpenter, J. L. Gage, W. Gage, Goodell, Godfroy, Goodwin, Haggaman, Hixon, Howe, Johnson, King, Lacey, Lamb, Lothrop, Lawrence, Lee, Littlejohn, Livermore, McCamly, McLeod, Moore,

Mottram, Murray, Olds, Patterson, Poppleton, Pratt, Provost, Purdy, Rice, Rix, Rowland, Schoolcraft, Seely, Smith, Snell, Snow, Vaughn, Vickery, Videto, Waldron, Weld, Younglove, Speaker—51.

And William Terry was declared duly elected.

On motion of Mr. Moore,

The House proceeded to the election of an enrolling and engrossing clerk, and the vote stood as follows :

FOR WALTER MARTIN,

Messrs. Anderson, Andrews, Axford, Barnard, Beach, Bush, Cady, Carpenter, J. L. Gage, W. Gage, Goodell, Godfroy, Goodwin, Haggaman, Hixon, Howe, Johnson, King, Lacey, Lothrop, Lawrence, Lee, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, Murray, O'Keeffe, Olds, Patterson, Poppleton, Pratt, Provost, Purdy, Rice, Rix, Rowland, Schoolcraft, Seely, Smith, Snell, Snow, Vaughn, Vickery, Videto, Walron, Weld, Younglove, Speaker—51.

FOR NATHAN PALMER,

Mr. Lamb—1.

On motion of Mr. Lothrop,

The House resolved itself into committee of the whole on the Governor's message, Mr. Bush in the chair.

After some time spent thereon, the committee rose and reported in favor of the following references of subjects contained in the message, and the report was adopted and reference made accordingly :

So much of the Governor's message as relates to the finances of the state and lake harbors was referred to the committee on ways and means.

So much as relates to the laws and to the reports and reporter of the supreme court, to the committee on the judiciary.

So much as relates to the selection and disposition of the 500,000 acres of land relinquished to the state by the act of Congress of September 4, 1841, to the university, school and salt lands, be referred to the committee on university and school lands; and so much as relates

to internal improvement, to the committee on internal improvement.

So much as relates to the subject of education and school lands, to committee on education.

So much as relates to banks to committee on banks.

So much as relates to the state prison to committee on state prison.

So much as relates to the militia to the committee on the militia.

So much as expresses an opinion as to the right of the state to tax the unpatented lands of the general government, within her limits, be referred to the committee on federal relations.

Mr. Lacey presented the following Protest, which was read and ordered to be placed on the journals of the House :

The undersigned, a member of the House of Representatives, begs leave respectfully to

PROTEST

against the resolution passed by the House on the 3d instant, which resolution was in the words following to wit :

“Resolved, That the clerk of this House invite the reverend clergy of the city of Detroit, to officiate alternately, at the opening of the morning sessions by prayer, receiving therefor only such compensation as the members shall voluntarily contribute.”

In assigning his objections to the above resolution, the undersigned will wholly discard that which has been oftenest insisted upon in like cases—that it is an approximation to a union of church and state. Is it a union of church and state for fifty or one hundred gentlemen, members of the legislative body, who are assembled together in the Capitol of the state, to direct that prayers shall be offered up to Heaven in their hearing once each day, while they are so assembled? Certainly not. The service rendered by the officiating minister of the gospel each day, is prior to the organization of the House for business on that day. It is no part or parcel of the machinery of legislation. No member, however sacred he may hold the democratic doctrine of the right of instruction, can be instructed on this subject.

As well might he hold himself a nenable to his constituents for the manner in which he discharged any other of his every day duties. If it be admitted that the constituents of a member have a right to require of him that he shall offer up his adorations to God on each day of the session in the hall of the House of Representatives, it must at the same time be conceded that they may properly compel him to fulfil his other religious duties in a designated church, and in the midst of the accepted sect. Members must be, therefore, and they are, left free to act in this respect, according to their own sense of personal accountability.

But is this the light in which the matter is viewed by all the people? Is this the light in which the matter is viewed by all of their representatives? Are there no members here who have felt themselves instructed to give the vote which they have given in favor of the resolution? If there be any such, they at least must recognize the daily religious services in this hall, as a part of their political and legislative duties. They must see in these services a part of the machinery of government, and they must be a little too favorably disposed towards a union of church and state.

The custom now under consideration is of long standing, and it has been called time honored. But when a long established usage of even acknowledged beneficial tendencies, comes to depend for its support upon false principles, and its perpetuation is procured by dangerous means, it is time that usage was abolished. It has become fixed, to a certain extent, in the public mind, that the will of the constituent in the case referred to, is the law to the legislator. Can any thing be more dangerous? At least one of the members of the present House, has been threatened by a most respectable portion of his constituents with political annihilation if he gave the vote which he yesterday gave against this resolution. The right to instruct him on this subject, has been openly avowed. And this too, in a matter purely between the member and his maker. It is time such notions were boldly met and encountered.

The undersigned also solemnly protests against the resolution on the ground of its infelicity and injustice toward those members of the House, (if there be any such,) who either have no religion, or are professors of some religion other than the christian religion. And he further protests against it because he believes it to be eminently promotive of perhaps the worst feature in the human character, to wit : hypocrisy.

OBED P. LACEY.

Detroit, January 4, 1843.

On motion of Mr. Purdy,

Resolved, That the present act for the assessment and collection of taxes, passed Feb. 16th, 1842, be referred to the committee of Ways and Means, and that they report to this House as early as practicable, such amendments as they may deem proper.

On motion of Mr. Moore,

Resolved, That when this House adjourn, it shall adjourn to meet at ten o'clock A. M. each day, until otherwise ordered.

Mr. Littlejohn, pursuant to previous notice, obtained leave to bring in a bill entitled an act to amend an act entitled "an act to amend the several acts concerning the supreme court, circuit court and courts of chancery," approved February 11, 1837," which bill was referred to the committee on the judiciary.

And the House adjourned.

THURSDAY, January 5, 1843.

The House met pursuant to adjournment.

Prayer by the Rev. Bishop McCoskry.

The Journal of yesterday was read and approved.

PETITIONS.

By Mr. Provost. Of citizens of the township of Osewa, county of Clinton, for the separate organization of said township, by the name of Beth. Referred to the committee on towns and counties.

By Mr. Lamb. Of inhabitants of Lapeer county, for the division of the township of Richfield. Referred to the committee on towns and counties.

By Mr. Lamb. Of a public meeting in the county of Lapeer, calling for retrenchment and revision in respect to public expenses. Referred to the committee on ways and means.

RESOLUTIONS.

Mr. Lothrop laid the following joint resolutions on the table :

A joint resolution rescinding a joint resolution prohibiting new contracts on the public works.

Resolved by the Senate and House of Representatives of the State of Michigan, That the joint resolution prohibiting new contracts on the public works, passed Feb. 18, 1842, be and the same is hereby rescinded.

Joint resolution of instruction, relative to the importation of railroad iron.

Whereas, the late law of Congress imposing a duty on railroad iron, imported from abroad, will add considerably to the expense of finishing and completing the public works of this state, and be exceedingly burdensome under the present embarrassed state of our finances ;

And whereas, the board of internal improvement have memorialized the Congress of the United States, praying for the passage of a law authorizing the importation of railroad iron duty free; therefore be it

Resolved by the Senate and House of Representatives of the State of Michigan, That our Senators in Congress be instructed and our Representative be requested to use all honorable means to secure the passage of a law permitting the importation of iron for the purpose of constructing railroads to be made duty free.

Resolved, That the Governor be requested to transmit a copy of the foregoing preamble and resolution to each of our Senators and Representative in Congress.

Mr. Vickery offered the following resolution :

Resolved, That the committee on ways and means be instructed to introduce a bill to reduce the pay of members of the Legislature, the salaries of the Executive, and all other officers whose compensation is fixed and defined by law.

Mr. McLeod moved that the resolution be laid upon the table, and the yeas and nays being called for, the motion prevailed by the following vote :

Yeas—Messrs. Andrews, Axford, Bognard, Beach, Cady, Carpenter, J. L. Gage, W. Gage, Goodell, Godfrey, Hagaman, Johnson, Lawrence, Littlejohn, Livermore, McCainly, McLeod, Mottram, O'Keefe, Olds, Poppleton, Rix, Seely, Snell, Vaughn, Videto, Weld, Younglove—23.

Nays—Messrs. Anderson, Bush, Goodwin, Hixon, Howe, King, Lacey, Lamb, Lee, Moore, Murray, Patterson, Pratt, Provost, Purdy, Rice, Rowland, Schoolcraft, Smith, Snow, Vickery, Waldron, Speaker—23.

On motion of Mr. Carpenter,

Resolved, That the committee on ways and means be instructed to inquire into the expediency of amending section 2, chapter 1, title 5, part 1, of the revised statutes, relating to the assessment of taxes upon the property of corporations.

Mr. Schoolcraft offered the following resolution which was referred to the committee on federal relations :

Resolved, That a select committee to consist of three members, be appointed by the Speaker, to inquire into certain matters connected with the execution of a treaty lately concluded by the United States with the Chippewa tribe of Indians in the region of Lake Superior, and that they ascertain and report to this House, whether the rights of the State of Michigan have not been infringed upon by the action of the General Government, by introducing into said treaty a certain clause eminently calculated to abridge the rights of the citizens of this state.

REPORTS.

Mr. Littlejohn, from the committee on the judiciary, reported back without amendment, a bill to amend an act entitled "an act to amend the several acts concerning the supreme court, circuit court and court of chancery of the state of Michigan," approved Feb. 11, 1837, and on his motion the same was referred to the committee of the whole.

UNFINISHED BUSINESS.

Mr. Bush called up his resolution of Tuesday, on the subject of taxes, suspending the operation of the 43d section of act of Feb. 16, 1842, until 1st of January, 1844, and proposed to amend the same by adding "and that the Auditor General be instructed to notify the several county treasurers of this state without delay."

Mr. Goodwin offered the following amendment :

"And that the interest of 50 per cent. on such lands, now required by law, shall only continue for one year, commencing on the first day of May each year, and ten per cent. thereafter."

Which amendment was lost.

Mr. Smith moved a reference of the resolution to the committee on the judiciary, which motion was lost.

The question being taken on the passage of the resolution, it was lost by the following vote :

Yeas—Messrs. Axford, Barnard, Beach, Bush, Cady, Carpenter, W. Gage, Goodell, Godfroy, Goodwin, Lacey, Lee, Patterson, Poppleton, Pratt, Seely, Vaughn, Speaker—18.

Nays—Messrs. Anderson, Andrews, J. L. Gage, Hagaman, Hixon, Howe, Johnson, King, Lamb, Lothrop, Lawrence, Littlejohn, Livermore, McLeod, Moore, Mottram, Murray, Oids, Provost, Parry, Rice, Rix, Rowland, Schoolcraft, Smith, Snell, Snow, Vickery, Videto, Waldron, Weld, Younglove—32.

On motion of Mr. Goodwin.

The House resolved itself into committee of the whole on the bill reported by Mr. Littlejohn from the committee on the judiciary, in relation to the supreme court, circuit court and court of chancery, Mr. Moore in the chair.

After going through the same the committee rose and reported the same with an amendment, which was concurred in, and the bill was ordered to be engrossed for a third reading.

On motion of Mr. Purdy, the House adjourned.

FRIDAY, January 6, 1843.

The House met pursuant to adjournment.

Prayer by the Rt. Rev. Bishop McCookry.

The Journal of yesterday was read and approved.

PETITIONS.

By Mr. Waldron. Of 64 citizens of Hillsdale county, asking for the removal of the seat of justice of said county to the village of Hillsdale. Referred to the committee on towns and counties.

By Mr. Carpenter. Of 22 legal voters of the town of Blissfield in Lenawee county for the organization of a new town by the name of Saline. Referred to same committee.

By Mr. Waldron. Of 287 inhabitants of Hillsdale county against the removal of the county seat of said county. Referred to same committee.

By Mr. Lacey. Of sundry citizens of Berrien and Orinoko townships in Berrien county, asking that the river St. Joseph may be made the boundary line between said townships. Referred to same committee.

By Mr. Lacey. Remonstrances of sundry citizens of Berrien and Orinoko townships in the county of Berrien, against a change of the present boundary line between said townships. Referred to same committee.

By Mr. Lacey. The petition of Daniel B. Webber, praying that he may be allowed to purchase a certain tract of state land therein described. Referred to the committee on university and school lands.

By Mr. Lacey. Of Thos. R. Green, praying that the amount of a certain overpayment made by him on a certain tract of school land, may be appraised in part payment for a certain other tract of school land which he has lately purchased. Referred to the same committee.

By Mr. Lacey. Of Mahlon Brookfield and Edwin R. Brookfield, praying that they may be allowed to purchase the tract of university land therein described, on the conditions and according to the provisions of the act of April 2, 1841, without back interest. Referred to same committee.

By Mr. Olds. Of John Parkerson and 56 others of Branch county, for a special act of the Legislature authorizing the superintendent of public public instruction to sell to said Parkerson a certain forty acres of university land at \$15 per acre, and applying thereon \$388, previously paid by said Parkerson on a purchase of 160 acres of said university lands. Referred to same committee.

By Mr. Lothrop. Of 172 voters of Kalamazoo county, praying that Legislative action may be taken necessary for amending the second article of the constitution of the state by striking therefrom the word "white." Referred to the committee on the judiciary.

By Mr. Olds. Of 73 names from the county of Branch, praying for an act of the Legislature incorporating a society under the name and style of "the Botanic Medical Society of the state of Michigan," with certain rights and privileges therein mentioned. Referred to the committee on banks and incorporations.

By Mr. Lacey. Of sundry citizens of Berrien county, asking that a charter may be granted to a company to build a toll bridge over the St. Joseph river at Berrien, in said county. Referred to same committee.

By Mr. Videto. From a committee in behalf of the Michigan Annual Conference of the Methodist Episcopal Church for a law for the better protection of religious worship. Referred to same committee.

By Mr. Livermore. Of Edward Monell for pay for labor performed in state prison. Referred to the committee on claims.

By Mr. Vaughn. Of W. P. Patrick, claim against the state. Referred to same committee.

By Mr. Livermore. Of Phineas Farrand and Samuel Higby for labor performed on state prison. Referred to same committee.

REPORTS.

Mr. Patterson, from the committee on printing, made a report, which was laid on the table.

Mr. McCamly, from the joint committee to whom was referred the joint resolution with regard to making arrangement with the Post-Master at Detroit for the delivery of communications to members and officers of both Houses, reported that they had discharged the duty assigned them and made the arrangement desired for the term of the present Legislature.

Which report was accepted.

Mr. Lamb, from the committee appointed on the part of the House to confer with the committee appointed on the part of the Senate upon the "joint rules of the Senate and House of Representatives," and the "rules of the Senate and House of Representatives in joint Convention," reported the joint rules of the Senate and House of Representatives and the rules of the Senate and House of Representatives in joint convention in use during the last session, without

amendment. and recommended their adoption as such rules for the present session,

And the report was accepted.

The Speaker announced a communication from the Secretary of State, covering a report of his acts under the joint resolution of Feb. 11, 1842, relative to the public printing and the purchase of paper.

And said report was referred to the committee on printing.

Mr. Goodwin, from the committee on ways and means, reported the following entitled bills, which were severally referred to the committee of the whole :

“A bill to provide for the payment of the members and officers of the Legislature for 1843.”

“A bill suspending the 43d and 44th sections of the tax law and for other purposes.”

The Speaker announced the following message from the Senate :

SENATE CHAMBER, }
January 5, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return to the House a “joint resolution in relation to furnishing members with journals,” &c., and to respectfully inform the House that the Senate have concurred therein.

JAS. E. PLATT,

Secretary of Senate.

And said resolution was ordered to be enrolled.

NOTICES.

Mr. Vickery gave notice that he will at some future day ask leave to bring in a bill to repeal so much of section 4, chapter 1, title 5, part 1st of the revised statutes, as exempts from taxation all property that is exempt from execution.

Mr. Lamb gave notice that at an early day he will ask leave to introduce a bill to exempt grain while growing from sale on execution.

Mr. Younglove gave notice that on some future day he will ask leave to introduce a bill for the relief of prisoners on the jail limits.

Also, a bill to amend an act entitled "an act relating to the conveyance of real estate."

Mr. McLeod gave notice that he will at some future day ask leave to introduce a bill to amend an act entitled "an act to provide for the transfer of real estate on execution, and for other purposes."

RESOLUTIONS.

Mr. Anderson offered the following resolutions, and the rules were suspended and the same referred to the committee on elections :

Resolved by the Senate and House of Representatives of the state of Michigan, That the 4th article of the constitution of this state be so amended as to substitute the following therefor : "The representatives shall be chosen annually on the first Monday of November by the electors of the several counties or districts, into which the state shall be divided for that purpose. Further,

Resolved by the Senate and House of Representatives of the state of Michigan, That the foregoing proposed amendment of the constitution, be entered on the respective journals of the Senate and House, and referred to the next legislature of this state, and that the same be published as required by the constitution.

On motion of Mr. Videto,

Resolved, That the committee on elections be instructed to inquire into the expediency of so amending the 4th section of the 4th article of the constitution of this state, as to allow the representatives of the legislature to be chosen the first Monday of November, annually.

Resolved, That the judiciary committee inquire into the expediency of authorizing one justice to hold a court of special sessions in all cases where a jury is called for by the criminal, and also into the propriety of reducing the fees of justices in such cases.

On motion of Mr. Livermore,

Resolved, That the committee on the judiciary be instructed to in-

quire into the expediency of amending the 17th section of part 2, title 3d, chapter one, of the revised statutes, by the striking out all after the word "provided," in said section, so as to give effect to the 15th section of said chapter.

On motion of Mr. Livermore,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of establishing a circuit court commissioner of the degree of counsellor in said court, for each county, with powers of a judge of the supreme court at chambers, and report by bill or otherwise.

Resolved, That the committee on education be instructed to inquire into the expediency of revising and amending "the primary school law" and report by bill or otherwise to this House.

On motion of Mr. Younglove,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of amending section 19 of the act entitled an act to regulate and prescribe the amount of fees passed April 1, 1840, so as take off the restriction therein contained on justices taxing costs in actions of assumpsit.

Mr. Moore offered the following resolution, and the rules were suspended and the resolution referred to the committee on elections :

Resolved by the Senate and House of Representatives of the State of Michigan, That the constitution of the state of Michigan be so amended that that part of section four, in article four, which reads that the Representatives shall be chosen annually on the first Monday of November and on the following day, may be so amended as to read on the first Tuesday of November annually.

On motion of Mr. Axford,

Resolved, That the committee on elections be instructed to inquire into the expediency of reducing the number of inspectors of elections to three.

On motion of Mr. Smith,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of suspending certain provisions of law for a limited time, requiring two terms of the circuit court to be holden annually in the county of Ingham, and other new counties of this state.

UNFINISHED BUSINESS.

Mr. Lothrop called up from the table his "joint resolution of instruction relative to the importation of railroad iron," and the same was adopted.

Mr. Lothrop also called up "joint resolution rescinding a joint resolution prohibiting new contracts on the public works," and offered the following substitute :

Resolved, by the Senate and House of Representatives of the state of Michigan. That the joint resolution prohibiting new contracts on the public works, approved January 18, 1842, be so far rescinded that the board of internal improvement be and they are hereby authorised to let contracts for furnishing timber and constructing the several bridges on the central railroad, now advertised for letting by said board.

Mr. Littlejohn proposed to amend as follows :

Provided, That said contracts shall in all cases be made subject to the restrictions, limitations and conditions contained in the act entitled "an act to provide for the further construction of certain works of internal improvement," approved March 12, 1841.

And after a discussion of the substitute and amendment, on motion of Mr. Lothrop, they were severally laid on the table.

Mr. Goodwin called up his "joint resolution in relation to printing of joint documents," and the same was adopted, when,

On motion of Mr. Moore the House adjourned.

SATURDAY, January 7, 1913.

The House met pursuant to adjournment.

Prayer by the Rt. Rev. Bishop McCoskry.

The Journal of yesterday was read and approved.

PETITIONS.

By Mr. McCamly. Of sundry inhabitants of Calhoun county for the incorporation of a society to be styled the "Botanic Society of the state of Michigan." Referred to a select committee consisting of Messrs McCamly, Schoolcraft and Rix.

By Mr. Snell. Of the claims of J. B. Taylor of Oakland county. Referred to the committee on claims.

By Mr. Snell. Of 153 citizens of Oakland county, asking the legislature to pass a law requiring the same fees to be paid, that are by law now paid to the county clerk, register of deeds, county treasurer and district attorney of the several counties of this state, but authorizing the board of supervisors of the several counties to fix the pay of these officers, and the balance of those fees, if any, to be paid into the county treasury. Referred to the judiciary committee.

By Mr. Carpenter. Of heirs of Henry Bliss, (deceased) to authorize Wm. W. Bliss, administrator, to convey certain lands. Referred to the same committee.

By Mr. Provost. Of inhabitants of Owassa in the county of Clinton, for an alteration of a state road through said township. Referred to committee on roads and bridges.

By Mr. Lamb. Of inhabitants of Lapeer county, asking that the tax laws be so amended as to compel the collection of non-resident taxes at the same time that residents are compelled to pay their taxes of the same nature. Referred to the committee on ways and means.

By Mr. Rix. Of 84 inhabitants of the township of Lexington,

praying that the tax law of Feb. 16, 1842, be amended. Referred to the same committee.

By Mr. Andrews. Of sixty-one inhabitants of Van Buren county, asking a small appropriation on the state road leading from Schoolcraft in Kalamazoo county, to the mouth of St. Joseph's river, running through the south tier of townships of Van Buren county. Referred to the committee on internal improvement.

By Mr. Provost. Of inhabitants of the township of Owassa, town six, north of range one west, to be set off and organized into a separate township, by the name of Victor. Referred to the committee on towns and counties.

By Mr. Provost. Of inhabitants of township number 7, north of range number 4 east, in the county of Shiawassee, now attached to the township of Vernon, to be set off as a separate township by the name of Winfield. Referred to the same committee.

By Mr. Lothrop. Of James Barker, praying relief in the purchase of university land. Referred to committee on university and school lands.

By Mr. Livermore. Claim of Newbould and Strong, for articles furnished the state prison. Referred to committee on claims.

On motion of Mr. Bush, the petition from Branch county, for the incorporation of the "Botanic Medical Society of the state of Michigan," was taken from the committee on banks and incorporations and referred to the select committee on that subject.

NOTICES.

Mr. Vickery gave notice that he will on some future day ask leave to introduce "a bill to amend an act entitled an act for the assessment and collection of taxes," approved Feb. 16, 1842.

Mr. Bush gives notice that he shall on some future day ask leave to introduce "a bill to amend the law relative to the duty of overseers of highways."

Mr. Rice gave notice that he will on some future day ask leave to introduce "a bill to amend section 21, of chapter 3, title 3, part 1,

and also section 20 of chapter 3, title six part 1st of the revised statutes," pages 42 and 109.

Mr. Bush gives notice that he will on some future day ask leave to introduce "a bill to reduce the number of the board of elections."

Mr. Huguman gave notice that he will on some future day ask leave to introduce a bill entitled "a bill to incorporate the Clayton Literary Society."

Mr. McLeod gave notice that at an early period he will ask leave to introduce the following bills:

1st. "A bill to amend an act entitled "an act relative to the costs of prosecution in criminal cases," approved March 6, 1840.

Also—2d. "A bill to extend the writ of mandamus authorizing the supreme court to issue said writ compelling the circuit court to award a venire facias de non in certain cases."

Also—3d. "A bill to amend section 1st and fourth and to repeal section 5, part 4, title 1, of chapter 3, of the revised statutes," relative to adultery and fornication.

Also—4th. "A bill to amend the borough ordinance of the borough of Mackinaw."

RESOLUTIONS.

On motion of Mr. McLeod,

Resolved, That so much of the Governor's annual message as refers to the late congressional apportionment, and the election of members of Congress under the same, be referred to a select committee of five with instructions to report as early as possible.

And the Speaker announced as such committee Messrs. McLeod, Lothrop, Bush, Waldron and Vaughn.

On motion of Mr. Livermore,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending part 1st, title fourth, chapter first, section thirty-fifth, of the revised statutes, as to give power to the township board to make temporary appointments of constables.

On motion of Mr. Littlejohn,

Resolved, That the committee on federal relations be instructed to inquire into the expediency of making a proposition to congress to grant absolutely to the state the salt springs and lands adjoining the same, heretofore granted for the use of the state.

On motion of Mr. Hagaman,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the act entitled "an act to prescribe the powers and duties of justices of the peace in civil proceedings," as to allow justices of the peace to close up all business commenced previous to the expiration of their office, and report by bill or otherwise.

REPORTS.

Mr. Bush from the committee on banks and incorporations to whom was referred the petition of Junius H. Hatch, reported a bill entitled "an act to incorporate the village of Grand Rapids," and said bill was referred to the committee of the whole.

Mr. Vickery pursuant to notice, obtained leave to introduce a bill entitled "an act to repeal a part of section 4, chapter 1, title five, of part first of the revised statutes," which bill was referred to the committee on ways and means.

BILLS PASSED.

Mr. Goodwin from the committee on ways and means, reported "a bill for the destruction of treasury notes and for other purposes," and on his motion, the 21st rule was suspended, the bill considered and passed.

The Speaker announced for a third reading, the engrossed "bill to amend an act entitled, "an act to amend the several acts concerning the supreme court, circuit court and courts of chancery of the state of Michigan," approved Feb. 11, 1837, and the same was read a third time and passed.

UNFINISHED BUSINESS.

Mr. Lothrop called up from the table the joint resolution rescinding in part a joint resolution prohibiting new contracts on the public works, and the same being under consideration,

Mr. Littlejohn withdrew his amendment, and

Mr. Waldron moved that the resolution be recommitted to the committee on internal improvement, and the question being taken by yeas and nays prevailed by the following vote :

Yeas—Messrs. Barnard, Beach, Bush, Carpenter, J. L. Gage, W. Gage, Goodell, Hagaman, Hixon, Howe, King, Lamb, Lawrence, Lee, Livermore, McLeod, Olds, Patterson, Poppleton, Pratt, Provost, Purdy, Rice, Rowland, Schoolcraft, Seely, Smith, Snell, Snow, Videto, Waldron, Younglove, Speaker—32.

Nays—Messrs. Anderson, Andrews, Axford, Godfrey, Goodwin, Johnson, Lacey, Lothrop, Littlejohn, McCamly, Moore, Mottram, Murray, Rix, Vaughn, Vickery, Weld—17.

MESSAGE FROM THE SENATE.

The Speaker announced the following message from the Senate :

SENATE CHAMBER, }
Friday, January 6, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit to the House "a bill to amend section 26, chapter 2d, title 7, part 2d, of the revised statutes relative to divorce."

Also—"A bill to amend an act to abolish imprisonment for debt and to punish fraudulent debtors."

Also—"A bill amendatory of an act entitled "an act granting to certain debtors of the state the privilege of paying the state in state bonds."

Also—"A bill for the relief of the township of Lexington, in the county of St. Clair," which the Senate have passed and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,

Secretary of Senate.

And the bill to amend section 26, chapter 2, title 7, part 2, of revised statutes relative to divorce," was referred to the committee on the judiciary.

The "bill to amend an act for the abolishment of imprisonment for debt and to punish fraudulent debtors," was referred to the committee on the judiciary, and,

On motion of Mr. McLeod,

Ordered to be printed.

The "bill amendatory of an act entitled an act granting to certain debtors of the state the privilege of paying the state in state bonds," &c. was,

On motion of Mr. Gage, referred to the committee of the whole, Mr. Goodwin in the chair.

After going through the same and adding as section 2d, "this act shall take effect and be in force from and after its passage;"

The committee rose and reported the same back to the House, and the amendment was concurred in, and the bill being under consideration by the House, and 21st rule having been suspended,

On motion of Mr. Lothrop,

The first section was amended, to come in after the words "July next," by inserting

"Provided, that nothing herein contained shall be construed as relating to any of the securities given by said company to this state."

And the bill was read a third time and passed by the following vote:

Yeas—Messrs. Anderson, Andrews, Axford, Barnard, Beach, Bush, Carpenter, J. L. Gage, W. Gage, Goodell, Godfroy, Goodwin, Hagaman, Hixon, Johnson, King, Lacey, Lamb, Lothrop, Lawrence, Lee, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, Murray, O'Keeffe, Olds, Patterson, Poppleton, Pratt, Purdy, Rice, Rix, Rowland, Schoolcraft, Seely, Smith, Snell, Snow, Vaughn, Vickery, Videto, Waldron, Weld, Younglove, Speaker—49.

Nays—0.

And the "bill for the relief of the township of Lexington, in the county of St. Clair, was referred to the committee on the judiciary

GENERAL ORDER.

On motion of Mr. Goodwin,

The House resolved itself into committee of the whole, Mr. Rice in the chair, on the "bill to provide for the payment of members and officers of the Legislature for 1843."

And the committee, after going through the bill, reported the same back without amendment.

The bill then being under consideration in the House,

Mr. Bush moved to strike out the words three and six wherever they occurred, and,

On motion of Mr. Schoolcraft, a call of the House was ordered, when the members were all present except Messrs. Cady and Provost.

On motion of Mr. Goodwin further proceedings on the call were

dispensed with and the vote being taken on the motion of Mr. Bush by yeas and nays it was lost as follows :

Yeas—Messrs. Anderson, Axford, Barnard, Bush, Hixon, Howe, King, Lamb, Lothrop, Lawrence, Lee, Moore, Murray, Olds, Poppleton, Pratt, Purdy, Rice, Rowland, Smith, Snell, Vickery—22.

Nays—Messrs. Andrews, Beach, Carpenter, J. L. Gage, W. Gage, Goodell, Godfroy, Goodwin, Hagaman, Johnson, Lacey, Littlejohn, Livermore, McCamly, McLeod, Mottram, O’Keeffe, Patterson, Rix, Schoolcraft, Seely, Snow, Vaughn, Videto, Waldron, Weld, Younglove, Speaker—24.

Mr. Lamb now moved to strike out “three dollars” and to insert “two dollars,” which motion the Speaker decided to be out of order.

Mr. Anderson moved to strike out six dollars, which motion was also decided to be out of order.

Mr. Videto moved a reconsideration of the last vote, and a decision being had the motion was lost 23 to 24.

On motion of Mr. Lothrop,

The blank for the pay of messenger was filled with one dollar and the blank for the pay of fireman with one dollar and fifty cents, and the bill was ordered engrossed for a third reading.

And the House adjourned until Monday morning 10, o’clock.

MONDAY, January 9, 1843.

The House met pursuant to adjournment.

The Journal of Saturday was read and corrected.

PETITIONS.

By Mr. Lamb. Of inhabitants of Lapeer and adjoining counties, asking an alteration of the tax law. Referred to the committee of ways and means.

By Mr. Rix. Of H. N. Munson in relation to the taxes in St. Clair county for 1833. Referred to the same committee.

By Mr. Johnson. Of Ebenezer Davis and James A. Davis, of Kent county, for relief as purchasers of university lands. Referred to the committee on university, state, salt and school lands.

By Mr. Rix. Of 279 inhabitants of St. Clair county, to have the seat of Justice established at Port Huron. Referred to the committee on towns and counties.

By Mr. Lamb. Of citizens of Lupeer county, asking that the pay of members and officers of the Legislature be reduced to two dollars per diem. Ordered to lie on the table.

NOTICES.

Mr. Bench gave notice that he would on some future day ask leave to introduce a bill to erect a dam across the Cass river, in the township of Tuscola, in Sanilac county, on section 28, town eleven north, range seven east.

REPORTS.

Mr. Pratt from the committee on enrolment, reported as correctly engrossed, the "bill for the payment of the members and officers of the Legislature for 1843."

Mr. Littlejohn, from the committee on the judiciary, to whom was referred the Senate "bill to amend section 26, chapter 2, title 7, part 2d of the revised statutes, relative to divorce," reported the same back without amendment, and the bill was referred to the committee of the whole.

Mr. Littlejohn, from the same committee, to whom was referred the Senate bill "for the relief of the township of Lexington in the county of St. Clair," having examined and fully considered the same,

would respectfully report that in their opinion, its passage would be a measure of doubtful utility. The manifest tendency of all subsequent legislation, is to induce great remissness on the part of our public officers ; whereas, in the view of your committee, a strict compliance with all the requirements of positive law, will ever be found highly necessary to insure to the citizen the benefits of wise and wholesome legislation. But your committee go still farther. They not only doubt the expediency, but they seriously question the validity of all enactments having in view the correction of irregular and illegal action, by *ex post facto* legislation. Whenever the errors or omissions of public officers shall become a question for judicial decision, your committee believe the protective shield of retroactive legislation will be found unavailing except so far as it may exonerate individuals from the fines and penalties imposed by existing statutory provisions. Your committee therefore report adversely to the bill and pray to be discharged from the further consideration of the subject.

On motion of Mr. Goodwin, the report of the committee was accepted and the committee was discharged from the further consideration of the subject.

Mr. Bush from the committee on Banks and incorporations, reported "a bill to incorporate the Berrien Bridge company," which was referred to the committee of the whole and ordered to be printed.

Mr. Rice laid the following joint resolutions upon the table, and the same were ordered to be printed :

Joint resolution proposing certain amendments to the Constitution of
* the State of Michigan.

Resolved, by the Senate and House of Representatives of the State of Michigan, That so much of the fourth section of the fourth article of the Constitution as prescribes the time when the Representatives shall be chosen, and which is in these words, to wit : "Annually on the first Monday of November and on the following day," be abolished, and that the following be substituted in the place thereof, to

wit : On the first Monday of November, one thousand eight hundred and forty-five, and once in two years, on the first Monday of November forever thereafter.

Resolved, That so much of the fifth section of the same article as prescribes that the Senators shall be chosen at the time of choosing Representatives, and which is in the words, to wit : "At the same time," be abolished, and that the following be substituted in place thereof, to wit : "Annually on the first Monday of November."

Resolved, That so much of the twenty-first section of the same article as prescribes, that the legislature shall meet annually, and which is in these words, to wit : "in every year," be abolished, and that the following be substituted in the place thereof, to wit : one thousand eight hundred and forty-six, and forever thereafter, once in two years, on the first Monday in January.

Resolved, That so much of the ninth section of the fifth article, as prohibits the Governor from adjourning the Legislature beyond the first Monday in January in any year, and which is in the following words, to wit : "annual meeting," be abolished, and that the following be substituted in the place thereof, to wit : "biennial meeting."

Resolved, That the foregoing proposed amendments of the constitution, be entered upon the respective journals of the Senate and House of Representatives, and referred to the next Legislature of this state, and that the secretary of state cause the same to be published as required by the constitution.

On motion of Mr. Rix,

Resolved, That the Auditor General be required to furnish this House the information upon what grounds the taxes of 1838 were charged back to the counties of St. Clair, Lapeer and Lenawee.

Mr. Carpenter offered the following resolution, which did not prevail :

Resolved, That the committee on education be instructed to inquire into the expediency of amending an act entitled "an act to amend the

revised statutes relative to primary schools," approved April 1, 1840, so as to authorize school districts to lay taxes upon the property of districts for the support of schools.

UNFINISHED BUSINESS.

The Speaker announced for a third reading the engrossed "bill to provide for the payment of the members and officers of the Legislature for 1843."

Mr. Lamb called for the reading of the petition offered by him this morning, from inhabitants of the county of Lapeer, and the same was read ; when,

Mr. Bush moved to recommit the bill to the committee from which it originated, with instructions to bring in a bill to reduce the pay of members and officers of this Legislature to two dollars per day, and to reduce the salary of the chief justice of the state and the associate justices one fourth the price now allowed by law.

The yeas and nays being called for, the motion was lost by the following vote :

Yeas—Messrs. Anderson, Axford, Barnard, Bush, Hixon, Howe, King, Lamb, Lothrop, Lawrence, Moore, Murray, Poppleton, Pratt, Provost, Purdy, Rice, Rowland, Smith, Snell, Vickery—21.

Nays—Messrs. Andrews, Beach, Carpenter, J. L. Gage, W. Gage, Goodell, Godfroy, Goodwin, Hagaman, Johnson, Lacey, Littlejohn, Livermore, McCamly, McLeod, Mottram, O'Keeffe, Olds, Patterson, Rix, Schoolcraft, Seely, Snow, Vaughn, Videto, Waldron, Weld, Younglove, Speaker—29.

And the question being taken on the passage of the bill, the same was passed by yeas and nays as follows :

Yeas—Messrs. Andrews, Beach, Carpenter, J. L. Gage, W. Gage, Goodell, Godfroy, Goodwin, Hagaman, Johnson, Lacey, Littlejohn,

Livermore, McCamly, McLeod, Mottram, O'Keeffe, Patterson, Rix, Schoolcraft, Seely, Snow, Vaughn, Videto, Waldron, Weld, Younglove, Speaker—28.

Nays—Messrs. Anderson, Axford, Barnard, Bush, Hixon, Howe, King, Lamb, Lothrop, Lawrence, Murray, Olds, Poppleton, Pratt, Provost, Purdy, Rice, Rowland, Smith, Snell, Vickery—20.

Mr. Goodwin called up the "bill suspending the 43d and 44th sections of the tax law, and for other purposes," and

Mr. Lamb moved that the committee of the whole be discharged from the further consideration of the subject, and that the bill be printed.

On motion of Mr. Smith,

The question was divided, and the motion prevailed to discharge the bill from the committee of the whole, when

Mr. Goodwin moved that the further consideration of the bill be indefinitely postponed, which motion prevailed.

MESSAGES FROM THE SENATE.

The Speaker announced the following messages from the Senate:

SENATE CHAMBER,
Saturday, January 7, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return to the House a "joint resolution of instruction relative to the importation of railroad iron," and respectfully inform the House that the Senate have concurred therein.

JAS. E. PLATT,

Sec'y of Senate.

And said joint resolution was ordered to be enrolled.

SENATE CHAMBER, }
Monday, January 9, 1837. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return to the House “a bill to amend an act entitled an act to amend the several acts concerning the supreme court, circuit court and courts of chancery of the state of Michigan,” approved Feb. 11, 1837, and inform the House that the Senate have passed the same with amendments, in which they respectfully ask the concurrence of the House.

Also, to return “a bill for the destruction of treasury notes,” and respectfully inform the House that the Senate have passed the same.

Also, to inform the House that the Senate have concurred in the House amendments to the “bill amending an act entitled an act granting to certain debtors to the state the privilege of paying the state in state bonds,” and have ordered the bill enrolled.

JAS. E. PLATT,
Secretary of Senate.

And the amendments to the bill to amend the act entitled an act to amend the several acts concerning the supreme court, circuit court and courts of chancery of the state of Michigan, approved Feb. 11, 1837, being under consideration, the amendments were non-concurred in; and,

On motion of Mr. Goodwin,

Messrs. Goodwin, Littlejohn and Lamb were appointed a committee of conference thereon.

And the bill for the destruction of treasury notes, was ordered to be enrolled.

Mr. Moore asked to have his name recorded in the negative on the passage of the bill to provide for the payment of the members and officers of the Legislature for 1843, and making a motion to that effect, it was so ordered.

On motion of Mr. Bush,

The committee of the whole were discharged from the further consideration of the bill entitled an act to amend the act incorporating the village of Grand Rapids, and the same was taken up by the House, the rule suspended, read the third time and passed, by the following vote :

Yeas—Messrs. Anderson, Andrews, Axford, Barnard, Beach, Bush, Carpenter, J. L. Gage, W. Gage, Goodell, Godfroy, Goodwin, Hagaman, Hixon, Howe, Johnson, King, Lacey, Lawrence, Lee, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, Murray, O'Keefe, Olds, Poppleton, Pratt, Provost, Purdy, Rice, Rix, Rowland, Seely, Smith, Snell, Snow, Videto, Waldron, Weld, Younglove, Speaker—45.

Nays—Messrs. Lamb, Lothrop, Patterson, Schoolcraft, Vaughn, Vickery—6.

On motion of Mr. Johnson, the House then adjourned.

TUESDAY, January 10, 1843.

The House met pursuant to adjournment.

The Journal of yesterday was read and approved.

Mr. Rice presented the following protest, which was ordered to be entered upon the journals:

The undersigned, a member of the House of Representatives, with due deference to the opinion of the majority of this House, as deliberately expressed, on the final passage of the bill entitled "a bill to

provide for the payment of the members and officers of the Legislature for 1843," most respectfully begs leave to dissent from, and protest against said bill or act, that is to say, so much thereof as provides that the Speaker of this House shall be allowed six dollars per day. It may not be improper in the outset, to say, that what gives this question its main importance, in a pecuniary point of view, is the fact that, in the fifteenth section of the fifth article of the constitution of this state, it is expressly declared, that the "Lieutenant Governor shall, by virtue of his office, be president of the Senate," and in the nineteenth section of the same article it is declared that the "Lieutenant Governor, except when acting as Governor, and the President of the Senate *pro tempore*, shall each receive the same compensation as shall be allowed to the *Speaker* of the House of Representatives." Thus in fact making *his* the Speaker's compensation the measure of two other officers; only one of which, in fact is, in the present case, acting officially. This point, however, being of minor importance will not be further urged.

By the tenth section of the fourth article of the constitution of this state, the right is conferred upon this House of choosing its own officers, but no intimation is therein given as to the number, appellation or from whence they shall be chosen.

It is therefore taken as settled that this House may choose any person, whether a member of this House or not, to fill any office by it created.

By the nineteenth section of the fifth article, it appears to be assumed that the House will have an officer called Speaker.

The same section intimates that *his*, the Speaker's compensation may be different from that of the members, but it does not, in fact, settle the point that it shall be more, or shall be less; or that it shall not be the very same. But admit the full force of the intimation, that it may be a different compensation, and further, that it will be greater, does it legitimately follow—is there the slightest intimation any where, that his compensation, if he be a member, shall or may

ever exceed that fixed by the eighteenth section of the article as the highest compensation that any member shall ever receive, to wit : three dollars per day.

Now the Speaker is, or he is not, a member of this House. If he be not, then it is admitted he may be allowed compensation without stint. But if he be a member, and we as judges of the qualifications and elections of members, adjudged him one, and in our hearing and presence he took and subscribed the oath of office as such, and has not taken any other. And farther, by the rules of our House he is allowed, nay compelled, to vote as such. How is it then, it may well be asked, that this House, in fixing his compensation at six dollars a day, virtually said that he is not a member, for a member's compensation, says the eighteenth section alluded to, shall never exceed three dollars per day. The undersigned now takes for granted, that he is a member, although called Speaker, and that this House has no more right to treat him as two, where compensation is concerned, than where voting in this House is concerned ; or than it has to treat any member whom the Speaker shall call to the chair in the House, or any member who on a given day shall act as chairman in committee of the whole. This House has, by its rules, fixed and settled his duties and they are different from those of the other members, (not more arduous,) and the same rules fix the duties to a greater or less extent of other members, and their duties also differ from one another. If it be asked how is the intimation in the nineteenth section alluded to, intimating that the Speaker's compensation shall be greater than that of a member's, to be reconciled with the distinct and positive prohibition contained in the eighteenth section of the fourth article, of any member's compensation ever exceeding three dollars per day. If it were settled in the latter section, that the members should receive the full sum of three dollars per day and never any more or less, it could not be reconciled. A doubt might then, perhaps, arise, (the intimation in the one being incompatible with the prohibition in the other,) whether the intimation that he may

or shall have a greater compensation, did not destroy the distinctly expressed inhibition, to wit : that he shall never be allowed a greater sum. Fortunately, however, such is not the tenor of the two sections alluded to. On the contrary, the eighteenth section very distinctly intimates that the pay of members will be fixed at less than three dollars per diem, otherwise why the language ; "but no increase of compensation shall take effect during the term for which the members of either House shall have been elected." Again, it is worthy of notice that the provision contemplating increase, is immediately followed, as if it were anticipated the compensation would be increased from time to time, by the express inhibition already quoted ; "such compensation (however often, or however much it may be increased,) shall never exceed three dollars per day." Thus it will be seen, that neither section need be infringed. But it will be urged that the constitutions of other states have similar clauses therein, and that the legislatures of those states, have established the precedent, by adopting the practice here contended against.

It may be further urged, that the framers of the constitution now under discussion, anticipated, nay, actually calculated that the Speaker, although a member of the House, might and would be allowed six dollars per day, or even a greater sum, the prohibition in the constitution to the contrary notwithstanding. And further, that all the Legislatures that have ever assembled under it have taken the same view of it, or followed the precedent of the Legislatures of other States. Does it then necessarily follow that such interpretation is right—is the correct one ?

What did the makers of the Constitution know of the precedents of other state Legislatures ? What did they know of the opinion of Legislatures not then elected ? What did they know of the views of the framers of the instrument itself ? Does the journal of that convention show any intimation that the word "member" did, and should not mean a member ? The answer necessarily involves the inquiry, who made the constitution ? A convention of delegates chosen by the people framed it ; but who made it ? It was the people—the

sovereign people, who breathed into it the breath of life. How did the people, the sovereigns, when their servants, the framers, submitted it to them for their inspection to enable them to judge whether it would be expedient, to give existence to the lifeless corpse, nor not understand it? Did they understand it as it read, or did they understand it as it did not read? Did they weigh and measure the words and sentences one by one as they were plainly spread before them? Did not they adopt the words and sentences in their plain proper signification?—did they intend that their servants, thereby created should construe it in accordance with republican principles, strictly? or did they, instead thereof weigh the precedents of other states and the views of Legislatures not then assembled? What was it that decided them to adopt it as their own words and will? The undersigned, from a solemn sense of duty must dissent from, and protest against any other construction being put upon that sacred bulwark of the people's liberty, than that the makers put upon it—the strict one, as any other would be, in his humble judgment, injurious to the public—a fraud upon our masters.

He now respectfully requests that his reasons for thus dissenting be entered upon the journal.

THOMAS J. RICE.

PETITIONS.

By Mr. Rix. Of 144 inhabitants of St. Clair county, for a division of the said county. Referred to the committee on towns and counties.

By Mr. ——— Of inhabitants of the counties of Wayne and Monroe, for setting off a new county. Referred to same committee.

By Mr. Rix. A remonstrance of 184 inhabitants of the county of St. Clair, against the removal of the seat of justice of said county. Referred to same committee.

Mr. Mr. Rix. Remonstrance of 218 names against a division of St. Clair county. Referred to same committee.

REPORTS.

Mr. Littlejohn from the committee on the judiciary, made the following reports, which were severally accepted :

Your committee on the judiciary, have had under consideration the expediency of so amending the act entitled "an act to prescribe the powers and duties of justices of the peace in civil proceedings," as to allow justices of the peace to close up all business commenced previous to the expiration of their office, and report that the same would be in their opinion, inexpedient in policy and highly mischievous in practice, and ask to be discharged from the further consideration of the subject.

Your committee on the judiciary have also had under consideration, the expediency of authorizing one justice to hold a court of special sessions in all cases where a jury is called for by the criminal, and ask leave to report that in their opinion the same would be inexpedient, and ask to be discharged from the further consideration of the subject.

- Your committee on the judiciary, to whom was referred the petition of sundry citizens of the county of Oakland, praying for the passage of a law authorizing the board of supervisors in each of the counties in this State to fix the amount to be received by the register of deeds, county clerk, county treasurer and prosecuting attorney, and requiring said officers respectively to pay into the county treasury, the surplus of their fees as established by law, have had the subject under consideration, and have come to the conclusion that the evil complained of cannot be successfully remedied in the mode prescribed. From motives of general policy your committee believe that sufficient inducements ought to be placed before the various county officers to afford every facility to the public in the transaction

of business appropriately within the sphere of said officers respectively and also for the detection and punishment of crime, and the protection of property and life. Believing that those services would not be as promptly and efficiently rendered, after the sum fixed by the supervisors had been realized by the officer, and also believing that still greater evils would arise in practice, in ascertaining and compelling payment into the treasury of any surplus moneys; your committee are induced to think that the desired remedy can better be found in some modification of the existing fee bill. Your committee therefore feel constrained to report adverse to the prayer of the petitioners and ask to be discharged from the further consideration of the matter.

Mr. Bush from the committee on banks and incorporations, made the following report, which was accepted :

The committee upon banks and incorporations, to whom was referred the petition of Elijah H. Pilcher, in behalf of the Michigan Annual Conference of the Methodist Episcopal Church, have had the same under consideration, and after a careful examination of the entire subject matter, have come to the unanimous conclusion that the law contained in the revised statutes, covers the entire ground, except that of giving to a justice of the peace, or other officer, jurisdiction to try and convict persons charged with certain offences enumerated by said petitioner; which matter, by resolution, has been referred to the committee on the judiciary, to whom it more appropriately belongs, who will undoubtedly give the matter a fair investigation, and determine in the premises as justice shall require. And your committee ask to be discharged from the further consideration of the subject.

Mr. Lothrop from the committee on engrossment and enrolment, reported that they had examined "an act for the destruction of treasury notes, and for other purposes;" also, a "joint resolution of instruction relative to the importation of railroad iron," and found the same correctly enrolled, and presented the same to the Governor for his approval.

Mr. Younglove obtained leave, pursuant to notice, to introduce the following entitled bills, which were referred to the committee on the judiciary :

A bill for the relief of prisoners on the jail limits.

A bill to amend an act entitled "an act relative to the conveyance of real estate."

NOTICES.

Mr. Younglove gave notice that at some future day he will ask leave to introduce a bill relative to drains and ditches.

Mr. Lamb gave notice that he will on a future day ask leave to introduce "a bill for the prosecution of the work on the northern rail road, in converting the same into a turnpike or wagon road."

Mr. Waldron gave notice that he will at an early day ask leave to introduce "a bill relative to auditor general's warrants drawn on the internal improvement fund."

Mr. Snell gave notice that he will at an early day ask leave to introduce "a bill concerning stray beasts."

RESOLUTIONS.

Mr. Godfroy laid the following resolution on the table :

Resolved, by the Senate and House of Representatives, That a committee be appointed, consisting of one member from the Senate and two from the House, to visit the state prison personally as soon as practicable and thoroughly to examine said prison, and report to this Legislature the condition of the same.

On motion of Mr. Younglove,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of compelling the plaintiff in original suits in the circuit court, the appellant in appeal cases, and the plaintiff in error in certiorari cases, to pay an entry fee for the use of the proper county. And also, into the propriety of compelling the plaintiff in all cases to be submitted to a jury to pay the usual jury fee in advance.

On motion of Mr. Vickery,

Resolved, That the committee of ways and means, to whom was referred "a bill to repeal a part of section 4, chapter 1, title 5, part 1, of the revised statutes," be instructed to report the same back to the House with as little delay as practicable.

Mr. Axford offered the following resolution which was rejected :

Resolved, That the committee on ways and means be instructed to inquire into the expediency of reducing the annual salary of the circuit judges, and raising that of the attorney general.

On motion of Mr. McCamly,

Resolved, That the judiciary committee be instructed to inquire into the expediency of enacting some law to secure more fully crops from the ravages of unruly cattle running at large on vacant lands or on the commons, and report by bill or otherwise.

On the suggestion of Mr. Lothrop, chairman of the committee on internal improvement, the Speaker announced Mr. Waldron as a member of that committee in the place of Mr. Brown, absent on account of sickness.

UNFINISHED BUSINESS.

On motion of Mr. Lothrop the Senate bill for the relief of the township of Lexington, in the county of St. Clair, was taken from

the table, together with the report of the committee on the judiciary on that subject, and referred to the committee of the whole.

On motion of Mr. Goodwin,

The House resolved itself into committee of the whole on the general order, Mr. Lothrop in the chair.

And after going through the Senate bill for the relief of the township of Lexington in the county of St. Clair—the bill to amend section 26, chapter 2, title seven, part 2 of the revised statutes, relative to divorce, and the joint resolution proposing certain amendments to the constitution, the committee rose and reported the same back without amendment.

The bill for the relief of the township of Lexington, in the county of St. Clair, being under consideration,

On motion of Mr. Goodwin, the enacting clause was indefinitely postponed.

The bill to amend section 26, chapter 2, title 7, part 2 of the revised statutes, relative to divorce, was passed to a third reading; and

The joint resolution proposing certain amendments to the constitution, was,

On motion of Mr. McLeod,

Referred to the committee on the judiciary, and ordered to be printed.

The Speaker announced a communication from the auditor general, which,

On motion of Mr. Bush, was ordered to be printed.

On motion of Mr. Lamb,

The House adjourned.

WEDNESDAY, January 11, 1813.

The House met pursuant to adjournment.

The journal of yesterday was read and corrected.

PETITIONS.

By the Speaker. The presentment of the grand jury of Oakland county in relation to the system of common schools and the organization of the judiciary. Referred severally to the committee on education and the judiciary.

By Mr. Snow. Claim of Z. Platt for fees paid register in chancery, and claim of Julius Mosier for freight on railroad iron. Referred to committee on claims.

By Mr. ——— Of S. Killfoil for relief. Referred to committee on claims.

REPORTS.

Mr. Littlejohn from the committee on the judiciary, to whom was referred the petition of the heirs at law of Hervey Bliss, deceased, late of the county of Lenawee, praying for the passage of an act empowering William W. Bliss, administrator of, &c. of the said Hervey Bliss, deceased, to convey to the contractors thereof certain real estate in said petition specified, reported a bill entitled "an act authorizing William W. Bliss, administrator of, &c. of Hervey Bliss, deceased, to convey certain real estate," and said bill was referred to the committee of the whole.

Mr. Littlejohn, from the same committee, to whom was referred the Senate bill entitled an act to amend an act entitled "an act to

abolish imprisonment for debt and to punish fraudulent debtors," have had the same under consideration, and as the result of their deliberations, would submit the following report :

That whilst they regard with the liveliest emotions of pleasure the wise and humane provisions of the act to abolish imprisonment for debt, they are of the opinion that the final enactments of said bill are equally conducive to the best interests of our citizens. They cannot therefore look with favor upon any law, the provisions of which virtually repeal all the penal sections of said non-imprisonment act. Your committee are of the opinion that the operation of the law so referred to them would be unjust and oppressive upon the innocent creditor. It is in effect to punish the informer and let the criminal escape. At the moment of full commitment upon ample testimony, the worthless vagabond who has perchance thus far gained a livelihood by preying upon the credulous, and defrauding the upright and unsuspecting citizen may, by a simple affidavit of inability to support himself, open again the door of his prison and sally forth for new adventures in crime : unless the innocent creditor who has been fleeced and perhaps ruined by the fraud of the debtor shall step forward and pay the expense of punishing the criminal. Your committee can take no other view of what would be the practical operation of this law, and feel constrained therefore to report adverse to the same, and pray to be discharged from its further consideration.

And the report was accepted and the committee discharged from further consideration of the subject.

Mr. Goodwin laid the following memorial and resolutions on the table :

The memorial of the Senate and House of Representatives of the State of Michigan, respectfully shows to the Congress of the United States ;

That the voice of the people of every part of the state, calling upon their representatives to act upon a subject of great individual and national importance, induces us to make this appeal. The disastrous

storms of the last fall, by the great loss of lives, and immense destruction of property attending them, have shown in a language not to be disregarded, the necessity of immediately adopting efficient means for the safety of the lives and security of the property of those who are interested in the commerce of the upper lakes, by the improvement of their harbors, by finishing the survey and demarkation of the coast, and by the erection of additional light houses.

In appealing to congress for these improvements, we urge alike the claims of justice and humanity, prudence and economy ; and we appeal to facts in support of our application.

The settlement of the country around lake Michigan, and the navigation of that lake in 1834, were in their infancy. Since that period so rapid has been the increase of business on the Upper lakes, that the imports and exports passing Detroit for 1842, amount to the enormous sum of twenty-eight millions of dollars.

Between Detroit and the head of Lake Michigan, there is no harbor except at Presque Isle. That is naturally accessible and at all times safe. Some protection may be found against storms under the lee of Islands or in bays, but in such cases a sudden change of wind often endangers or wholly destroys the shipping instead of affording protection. The harbor improvements already begun are in an unfinished state, and if finished, are so few and spread along so small a portion of the coast, as to afford no adequate protection to the great and rapidly increasing commerce of the Upper lakes.

The sail and steam shipping employed in this business in 1841, amounted to \$1,300,000, and in 1842 to over \$1,700,000, making an aggregate of nearly \$30,000,000 of shipping and freight annually exposed to all the dangers of a coast of more than seven hundred miles, with but one safe and easily accessible harbor. Since 1834, the average number of vessels lost on Lake Michigan per annum, is twelve, and the average number of lives fifteen, and the average value of property within a fraction of \$140,000. Twenty-eight vessels, twenty-five lives and \$145,500 of property were lost in 1841, and more than \$200,000 of property in 1842. And these im-

mense losses were occasioned mainly, by a want of light houses, and good harbors.

This large amount of business in imports and exports results from the productive labor of Wisconsin, a part of Illinois, Indiana and Michigan. These states, in 1840, produced in manufactured and unmanufactured products at a low cash valuation \$44,246 61, which amount has since increased nearly fifty per cent.

The full extent of the losses of lives and property in November last, is not yet determined. Enough however, is known to fill the country with sorrow and mourning. The story of the ill-fated Milwaukee, the best ship on the lakes, in perfect repair, driven ashore and destroyed, and nine out of her fifteen men frozen to death, at the mouth of the Kalamazoo, within a few rods of one of the best harbors on earth, will not be easily forgotten. One-fifth part of the property which has been lost within cannon shot of that place, would so improve the entrance of the harbor as to render it perfectly safe.

In the short space of nine years, \$1,265,650 of property are known to have been lost on Lake Michigan. A moiety of this sum would have built sufficient lighthouses and rendered every harbor on the lake easily accessible and perfectly safe.

These great and continual losses of produce and merchandize, are deeply felt by the citizens of this state, Indiana, Illinois and Wisconsin, as well as by New-York, and all New-England, and the great loss of shipping is felt by Ohio, Pennsylvania and New-York, in common with the western states.

We urge these considerations upon the attention of our national legislature, and appeal to the justice and humanity of every member of Congress to aid in this great national improvement. Are the correctness of our statements denied? We ask all who doubt them, to open the Topographical Bureau of the nation, where they will find them fully confirmed. Is the importance of this denied? We ask if the annual hazard of 30,000,000 of commerce, and the annual loss of \$200,000 are of no importance? Is the impossibility of

making these improvements urged ? We again appeal to the clear wisdom to be found in surveys of the Topographical Bureau for a refutation of this objection. Is the policy of surveying our coast and lighting and improving our harbors doubted ? We ask, upon what principle of policy or justice can the expenditures of millions on the comparatively safe harbors of our sea coast be made, when an investment equal to the annual loss would render the increasing commerce of the Upper lakes comparatively safe ? And we ask what avails the labor of all who are carrying on this thirty millions of commerce, if all its profits are to be lost by an unimproved and dangerous navigation ?

The inhabitants of the west bought their lands of the United States, and have improved and created upon them wealth and capital, with the faith of the nation pledged, if not in terms, yet by immemorial custom, that when their condition should require it, commercial facilities should be afforded to make their purchases and their labor available. The people have performed their part—their money and their industry have enriched the nation—and are they now to be told that the plighted faith of the nation is a mere bugbear of which our industrious people are the dupes ?

We invite the especial attention of congress immediately to the improvement of the Muskegon, then the Grand River, and the Kalamazoo—the further improvement of the St. Joseph, the improvement of the New-Buffalo, Michigan City, Chicago, Racine and Milwaukee harbors, and the erection of a lighthouse at Wawgooshance point, where three vessels have been lost within eighteen months—and also at the mouth of Grand River. These harbors and light-houses are of paramount importance.

Next to these are the improvement of the harbor at Monroe ; so also of the flats of the St. Clair and at Saginaw, all of which can be done at a small expense and are in the route of the western trade.

There is also a bar across lake George in the St. Mary's river, which can be so improved at a small expense, as to open a free na-

vigation to the village of St. Mary for large boats, which would then bring from that port about a quarter of a million per annum.

For all these purposes an annual appropriation for two years of \$200,000 would be abundant and would save to the commerce of the U. States the whole sum in less than five years.

We need not here urge upon the attention of congress the fact that all the harbors, in case of a border war, are absolutely required for the safety of national shipping, and army supplies. Nor need we say to the observant that in such a war the ascendancy of the Lakes will assuredly be decided on Lake Michigan or Huron, between American shipping and a fleet which will be armed for the purpose in the inner harbors of Lake Huron under the protection of British fortifications. No longer will Lake Erie be the scene of contention. But the clear waters of Lake Michigan, never yet stained with the blood of human strife, in case of another war, will become the scene of contention. Then may new laurels be added to the escutcheon of our glory, by achievements as brilliant and victories as decisive as those of the illustrious Perry.

We therefore earnestly solicit the appropriations, and invite all the States who are interested to co-operate with us—believing as we do, that this application rests upon the soundest principles of policy and justice.

Resolved, (the yeas so concurring.) That the Governor be requested to transmit two copies of the memorial to each of the Governors of the states of New-York, Pennsylvania, Ohio, Indiana and Illinois, and the territory of Wisconsin, and ask their aid and co-operation, and that the same be laid before their respective legislatures.

Resolved, That the Secretary of State transmit a copy of this memorial to the Secretary of War, to Col. J. J. Abert, of the Topographical department at Washington, and each of the members of Congress from the states aforesaid.

Mr. Rice pursuant to notice, obtained leave to introduce a bill to amend section 21, chapter 2, title 3, part 1st, and also, section 20,

chapter 3, title 6, part 1st of the revised statutes, which was referred to the committee on the judiciary and ordered to be printed.

Mr. Beach, pursuant to notice, obtained leave to introduce a bill entitled "an act to authorize Royal C. Ripley to erect a dam across the Cass river," which was referred to the committee on roads and bridges.

Mr. Hagaman, pursuant to notice, obtained leave to introduce "a bill to incorporate the Clayton Literary Society," which was referred to the committee on banks and incorporations.

The following message was announced from the Senate :

SENATE CHAMBER, }
Wednesday, January 11, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit to the House "a joint resolution for an investigation of the Farmers' and Mechanics' Bank of Michigan," which the Senate have adopted and respectfully ask the concurrence of the House therein.

Also, to inform the House that Senators Greenly, Howell and Moody, have been appointed a committee of conference on the "bill to amend the several acts concerning the supreme court, circuit court and court of chancery, of the State of Michigan, approved Feb. 11, 1837."

JAS. E. PLATT,

Sec'y of Senate.

And the resolution in relation to the Mechanic's and Farmers' Bank was concurred in by the House.

NOTICES.

Mr. Johnson gave notice that at some future day he would ask leave to introduce "a bill for the relief of the county of Kent."

Mr. Lacey gave notice that he would on some future day ask leave to bring in a bill to amend section 30, of chapter 3, part 1, title 3 of the revised statutes, relative to the compensation allowed to associate judges of the circuit court.

Mr. Olds gave notice and asked leave at some future day to introduce a bill to change the election of highway commissioners as fast as practicable from one to three years, also to abolish the law of constituting the township clerk of being ex officio clerk of the board of school inspectors.

Mr. Lacey gave notice that he would at some future day ask leave to bring in a bill to abolish the office of commissioner of highways and devolve the duties of said office on the supervisors of townships, and for other purposes further to reduce the expenses in townships.

RESOLUTIONS.

On motion of Mr. Patterson,

Resolved, That the committee on education be instructed to inquire into the expediency of amending the school act, so as to provide more efficiently for the education of children whose parents are unable to pay, and report by bill or otherwise.

On motion of Mr. Murray,

Resolved, That the judiciary committee be instructed to inquire into the expediency of repealing the laws limiting the rates of interest on money loaned, and to bring in a bill to authorize the taking of such rate of interest as may be agreed on by the parties contracting, and report by bill or otherwise.

On motion of Mr. Patterson,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending the statute relating to bail

in criminal actions, that the property of the bail may be holden from the time of entering the recognisance, and report by bill or otherwise.

Mr. Videto offered the following resolution which, was on motion of Mr. Lothrop, laid on the table :

Resolved, That from and after this day the House will hold two daily sessions until otherwise ordered.

On motion of Mr. McCamly,

Resolved, That the committee on ways and means be instructed to inquire into the expediency of so amending our laws relating to the assessing of property that no person shall be assessed to pay taxes on more property than he absolutely owns free from all indebtedness or incumbrance.

Mr. Bush laid the following joint resolution upon the table :

Resolved, by the Senate and House of Representatives of the State of Michigan, That this Legislature will adjourn sine die on Monday the 20th day of February next.

Mr. Littlejohn offered the following resolution which was referred to the committee of the whole, ordered printed, and made the special order for Friday :

Resolved, That the committee on the judiciary be instructed to prepare and report a bill remodelling the present judiciary system, so far as relates to the supreme court, circuit courts and court of chancery of the State of Michigan ; and that the said bill (amongst other minor provisions) shall embody the following substantive propositions :

1st. The supreme court shall consist of a chief justice and four associate justices, and shall have jurisdiction within and sit for the state of Michigan :

2d. At least three terms of said court shall be held each year, two hereof east, and one west of the principal meridian.

3d. A clerk's office for said court, shall be established at each of the places to be designated for the holding of said terms ; a clerk shall be appointed to each of said offices, who shall keep the min-

utes, records, orders, judgments and proceedings of said court for the term thereof, there holden as aforesaid, and shall send a transcript thereof semi-annually to each of the other clerks of said court, who shall file and enter the same, to the end that all the proceedings of said court may be found entire at each of said offices.

4th. The state of Michigan shall be divided into five judicial circuits, to be styled the first, second, third, fourth and fifth circuits, out of which all process for service within the limits of each severally shall issue, and to which the same shall be made returnable.

5th. The justices of the supreme court shall jointly and severally have concurrent jurisdiction over each of said judicial circuits, and shall from time to time appoint one of their number to each of said circuits, to hold the circuit courts therein by law required to be held.

6th. No individual shall hereafter be admitted to practice as an attorney in said supreme and circuit courts, except on examination at one of the stated terms of said supreme court: and no person shall hereafter be admitted to the degree of counsellor, until he shall have practised as an attorney for three years, and then only upon examination at one of the stated terms of said supreme court: Provided that this section shall not apply to attorneys now in practice in this state, nor to persons of the degree of counsellor in other States.

7th. There shall be appointed in each of the judicial circuits of this state, an officer to be styled "the circuit attorney," who shall act in behalf of the people, as their attorney, on the trial and final disposition of all criminal causes arising at the terms of his said circuit, or removed thence to the supreme court: and who shall also be the law officer of the grand jury sitting for each of the counties in his circuit, and shall have in charge all informations and presentments before, and bills of indictment found by said grand jury.

8th. There shall be appointed in each of the counties of this state where circuit courts are held, a circuit court commissioner, who shall be of the degree of counsellor at law, and who shall have power to

direct bail, to grant a stay of proceedings, to allow writs of habeas corpus and certiorari and appeals from justices' courts, to settle interrogatories upon commissions, to take depositions of witnesses, and to tax bills of cost.

9th. No appeal or certiorari from a justice's court, shall be brought into a circuit court without said commissioner shall be satisfied of error in law or in fact affecting the merits of the case, in which case his allowance shall be endorsed on the writ, on the payment of his fees and the costs before the justice.

10th. No cause shall be placed on the circuit calendar for trial at any term of said court, unless a notice of trial shall have been duly served by the party intending to move the same for trial, upon the opposite party, at least fourteen days previous to the first day of the term at which such trial is sought to be had.

11. The party moving the trial of an issue of fact, shall pay to the jury on the rendition of their verdict, three dollars in full for their fees.

12th. A "venire facias" shall be made returnable at such day in each term of the circuit court and the presiding judge shall from time to time by rule direct, to the end that issues of law may first be disposed of.

13th. Inquests may be taken in all actions brought for the recovery of any debt or damages unless the defendant, his agent or attorney, shall make and file an affidavit of merits accompanied by the certificate of a counsellor on or before the first day of the term at which the same shall have been noticed for trial.

14th. An officer of the court of chancery shall be appointed in each judicial circuit, to be styled "an injunction master," who shall have power to grant injunctions; to order the taking of testimony before, and computation of amount due, by a master in chancery, and to tax costs in chancery proceedings.

15th. There shall be but one term of the circuit court annually held in the county of Ingham, and such other counties as may petition for the benefit of this provision, until such time as from the

increase of business the presiding judge shall direct an additional term in either or all of said counties.

The following message was received from the Governor :

EXECUTIVE OFFICE, }
January 11, 1843. }

To the House of Representatives :

I have this day approved, signed and filed in the office of the Secretary of State,

“An act for the destruction of treasury notes and for other purposes.”

“Also a “joint resolution of instruction, relative to the importation of railroad iron.”

JOHN S. BARRY.

Mr. Smith moved a reconsideration of the vote of yesterday on the bill for the relief of the township of Lexington in the county of St. Clair, which motion prevailed, when,

On motion of Mr. Lothrop,

The enacting clause of said bill was again indefinitely postponed.

Mr. McLeod moved a reconsideration of the vote on the Senate resolution relative to the Farmer's and Mechanics' Bank, which did not prevail.

GENERAL ORDER.

On motion of Mr. McLeod,

The House resolved itself into committee of the whole on the general order, Mr. Littlejohn in the chair, and after sometime spent thereon, rose and reported progress on the bill to incorporate the

Berrien bridge company, and obtained leave to sit again ; also reported back without amendment Mr. Godfroy's resolution of yesterday, relative to the state prison, and said resolution being under consideration by the House, the rule was suspended, ^{and} and,

On motion of Mr. Goodwin, the same passed.

Mr. Bush moved the consideration of the joint resolutions to amend the constitution, which did not prevail.

Mr. Bush gave notice that he would on Friday next call up for consideration the joint resolution passed at the session of 1842, amending the constitution.

The Speaker announced Messrs Bush, Goodwin and Videto, as the committee on the resolution to investigate the affairs of the Farmer's and Mechanic's Bank of Michigan.

On motion of Mr. Goodwin,

The House then adjourned.

THURSDAY, January 12, 1843.

The House met pursuant to adjournment.

The Journal of yesterday was read and approved.

PETITIONS.

By Mr. Lothrop. Of 106 of the colored inhabitants of the city of Detroit, praying that this legislature will propose an amendment to the constitution of this state, expunging the word *white* from the 1st.

section of the 2d article. Referred to the committee on the judiciary.

By Mr. Lacey. Of certain citizens of the village of Niles, asking that the charter of said village be so amended as to exclude what is called "Brown's addition" and "Dunbar's addition" from the limits of said incorporated village. Referred to committee on banks and incorporations.

By Mr. Mottram. Of 37 citizens of St. Joseph, praying for a reduction of the prices of university and school lands. Referred to committee on university, state, salt and school lands.

By Mr. Lamb. Of the board of supervisors of Lapeer county. Referred to committee on ways and means.

By Mr. Bush. Of C. W. Chaple. Referred to same committee.

By Mr. Bush. Of John F. Hamlin, Bradford and Davis, J. B. Taylor and C. W. Chapel. Referred to same committee.

By Mr. Snell. Claim of Charles W. Willard for labor done on the Clinton and Kalamazoo canal, together with affidavits relative to the same. Referred to committee on claims.

By Mr. Seeley. Claim of George Brownell for extra services as assistant Librarian. Referred to same committee.

By the Speaker. Of N. N. Kendall, praying that certain claims therein mentioned, shall be allowed. Referred to same committee.

REPORTS.

Mr. Littlejohn from the committee on the judiciary, to whom was referred a bill entitled an act to amend an act entitled "an act relating to the conveyance of real estate," passed April 1, 1840, reported the same back to the House without amendment and recommended its passage.

And the same was referred to the committee of the whole.

Jan. 12.]

HOUSE OF REPRESENTATIVES.

Mr. Littlejohn from the same committee reported back to the House a bill entitled "an act for the relief of prisoners on the jail limits," without amendment, and recommended the passage of the same.

And the bill was referred to the committee of the whole.

Mr. Goodwin from the committee on ways and means, reported a bill to authorise the payment of interest on certain delinquent tax stock, which bill, on his motion, lies on the table.

Mr. McLeod pursuant to previous notice, obtained leave to introduce a bill relative to the sale of real estate on execution, and for other purposes, which was referred to the committee on the judiciary and ordered to be printed.

Mr. Bush, pursuant to previous notice, obtained leave to introduce "a bill to reduce the members of the board of election, and for other purposes," which was referred to the committee on the judiciary.

MESSAGE FROM THE SENATE.

The Speaker announced the following message from the Senate:

SENATE CHAMBER, }
Thursday, January 12, 1843. }

To the Speaker of the House of Representatives :

Sir—I am instructed by the Senate to inform the House that Senators Starkey and Bell have been appointed a committee on the part of the Senate to investigate the Farmers' and Mechanics' Bank of Michigan, in pursuance of a joint resolution adopted by both Houses.

Also, to return the House "joint resolution in relation to printing

of joint documents," with substitute therefor, which the Senate have adopted and respectfully ask the concurrence of the House therein.

JAS. E. FLATT,

Secretary of Senate.

And the "joint resolution in relation to printing," substitute for House resolution, was concurred in by the House.

RESOLUTIONS.

On motion of Mr. Smith,

Resolved, That the committee on education, be instructed to inquire into the expediency of so amending an act entitled "an act amendatory to an act to amend the revised statutes relative to primary schools," approved April 6, 1841, so that all moneys authorized by said act to be taxed upon the property of the several townships be distributed among the several school districts equally, according to the aggregate amount of property of each, to be ascertained from the assessors' roll upon which said tax was levied.

On motion of Mr. Moore,

Resolved, That the judiciary committee be instructed to inquire into the expediency of amending the 37th, 38th, and 39th sections of part 1st, title 2d, chapter 5 of the revised statutes, respecting the compensation of grand and petit juries in the several counties of this State, and report by bill or otherwise.

On motion of Mr. Cady,

Resolved, That the committee on printing be instructed to inquire whether the Governor's message and manual of the Legisla-

ture are printed and ready for distribution, and report as soon as practicable.

On motion of Mr. Smith,

Resolved, That the committee on education be instructed to inquire into the propriety of so amending the existing primary school law as to make delinquent district school taxes returnable to the several county treasurers at the same time that township treasurers are required to return delinquent state, county and township taxes.

On motion of Mr. Patterson,

Resolved, That the committee on the judiciary be instructed to inquire into and report on the expediency of providing by law for recording the official bonds of all or any public officer, to be equally available for all purposes with such original bonds.

UNFINISHED BUSINESS.

Mr. Bush moved the consideration of his joint resolution of yesterday, that the Legislature adjourn *sine die* on Monday the 20th day of February next, which motion was lost by yeas and nays as follows :

Yeas—Messrs. Axford, Barnard, Beach, Bush, Cady, Howe, Lamb, Lawrence, Lee, Moore, Murray, Poppleton, Pratt, Purdy, Rice, Rowland, Seely, Smith, Snell, Vickerly—20.

Nays—Messrs. Anderson, Andrews, Carpenter, J. L. Gage, Wm. Gage, Goodell, Godfroy, Goodwin, Hagaman, Hixon, King, Lacey, Lothrop, Littlejohn, Livermore, McCamly, McLeod, Mottram, O'Keefe, Olds, Patterson, Provost, Rix, Schoolcraft, Snow, Vaughn, Videto, Waldron, Weld, Younglove, Speaker—31.

Mr. Goodwin called up the bill reported by him this morning, "to authorize the payment of interest on certain delinquent tax stock," and on his motion the committee of the whole were discharged from

the consideration of the same, the 21st rule suspended, and the bill taken up by the House, when,

On motion of Mr. Smith, the first section was so amended as to strike out "due in July last," and read "all the delinquent tax stock of this state after they become due," and,

On motion of Mr. Rice, after the word, "treasury," "to the credit of the delinquent tax fund," was inserted.

Mr. Olds moved to strike out "seven" and insert "six," which motion did not prevail.

Mr. Waldron offered the following as an additional section, which did not prevail :

SEC. 2. The state treasurer is hereby authorized to re-issue such an amount of state scrip as may be necessary to meet the interest due on such bonds, where the holders of said bonds elect to take the same.

On motion of Mr. Goodwin,

The bill was then read a third time and passed.

The Speaker announced the following message from the Senate.

SENATE CHAMBER. }
Thursday, January 12, 1843. }

To the Speaker of the House of Representatives.

SIR—I am instructed by the Senate to transmit to the House "a joint resolution rescinding in part a joint resolution prohibiting new contracts on the public works," which the Senate have adopted, and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,

Sec'y of Senate.

And the House having said resolution under consideration refused to concur therein by the following vote :

Yeas—Messrs. Anderson, Andrews, Axford, Cady, J. L. Gage, Goodell, Godfroy, Goodwin, Howe, Lacey, Lothrop, Littlejohn, McCamly, Moore, Mottram, Murray, O'Keeffe, Rice, Rix, Vaughn, Weld—21.

Nays—Messrs. Barnard, Beach, Bush, Carpenter, Wm. Gage, Hixon, Hagaman, King, Lamb, Lawrence, Lee, Livermore, McLeod, Olds, Patterson, Poppleton, Pratt, Provost, Rowland, Schoolcraft, Seely, Smith, Snell, Snow, Videto, Waldron, Younglove, Speaker—23.

Mr. McLeod, pursuant to notice, obtained leave to introduce a bill to amend part 4th, title 1st, chapter 9th, sections 1st and 4th of the revised statutes, and to repeal section fifth of the same relative to adultery and fornication." And said bill was referred to the committee on the judiciary.

GENERAL ORDER.

On motion of Mr. McLeod, the House resolved itself into committee of the whole, Mr. Patterson in the chair, on the general order; and after going through the Senate bill to amend an act entitled "an act to abolish imprisonment for debt," rose and reported the same back to the House amended by "striking out all after the enacting clause," and "indefinitely postponing the enacting clause," and the amendment being under consideration, and the yeas and nays being called on "striking out," the same prevailed by the following vote :

Yeas—Messrs. Anderson, Andrews, Axford, Barnard, Beach, Bush, Cady, J. L. Gage, Wm. Gage, Godfroy, Hixon, Howe, King, Lacey, Lothrop, Lawrence, Lee, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, Murray, O'Keeffe, Olds, Poppleton,

Pratt, Provost, Purdy, Rice, Rix, Rowland, Schoolcraft, Seely, Smith, Snell, Vaughn, Videto, Waldron, Weld, Younglove, Speaker—43.

Nays—Messrs. Carpenter, Lamb, Patterson—3.

And the question being taken on the "indefinite postponement of the enacting clause," the same prevailed.

And on motion, the House adjourned until to-morrow morning at 10 o'clock.

FRIDAY, January 12, 1862.

The House met pursuant to adjournment.

The Journal of yesterday was read and approved.

PETITIONS.

By Mr. Waldron. Remonstrance of 95 citizens of the county of Hillsdale against the removal of the seat of justice from its present location. Referred to the committee on towns and counties.

By Mr. Goodwin. Petition of John D. Pierce and others for a law to regulate the appraisement of damages occasioned by mill dams. Referred to the committee on the judiciary.

By Mr. Moore. Of 120 inhabitants of the county of Washtenaw, praying for the repeal of certain laws therein named. Referred to same committee.

By Mr. Snell. Of 123 inhabitants of the counties of Oakland, Lapeer and Macomb, asking the Legislature to pass a law to erect a toll gate or gates at some place on the Saginaw road between Birmingham and the city of Detroit, and establish the rate of toll, and the proceeds thereof be expended in the repair of said road, and ap-

point a superintendent to take charge of the same. Referred to committee on roads and bridges.

By Mr. Goodwin. Of O. C. Comstock, jr., and another for the amendment of the charter of the village of Marshall. Referred to committee on banks and incorporations.

By Mr. Livermore. Claim of N. Ingersol for labor performed on the state prison. Referred to committee on claims.

By Mr. Speaker. Of 82 citizens of Monroe, praying for the repeal of sec. 8, part 1, title 8, chap. 2, of the revised statutes. Referred to the select committee on that subject.

REPORTS.

Mr. Goodwin, from the committee on ways and means, reported a "bill to regulate the tax sales of 1843, and for other purposes," which was referred to the committee of the whole and ordered to be printed.

Mr. Littlejohn, from the committee on the judiciary to whom was referred "the bill to reduce the number of the board of inspectors of election, and for other purposes," having had the same under consideration, reported the same back to the House without amendment, and recommended its passage.

And said bill was referred to the committee of the whole.

Mr. Patterson, from the committee on printing, made a report, which lies upon the table.

NOTICES.

Mr. Carpenter gave notice that at some future day he would ask leave to bring in a bill making it a penal offence to use the public moneys for private purposes, and to punish defaulting state, county and township officers by fine and imprisonment.

Mr. Hagaman gave notice that on some future day he would ask leave to introduce a bill to repeal an act entitled "an act to reduce the rate of taxation on real and personal estate," approved Feb. 16, 1842.

RESOLUTIONS.

On motion of Mr. Lamb,
Resolved, That when this House adjourns it will reassemble Monday next at 11 o'clock A. M.

RECONSIDERATION.

Mr. Waldron moved the reconsideration of his vote on the joint resolution from the Senate of yesterday, rescinding in part the joint resolution prohibiting the letting of contracts on the public works; and the motion prevailing.

Mr. Waldron offered the following substitute:

Resolved by the Senate and House of Representatives of the State of Michigan, That the joint resolution prohibiting new contracts on the public works, approved 15th January, 1842, be so far rescinded that the board of internal improvement be and they are hereby authorized to let the contracts for furnishing timber and constructing bridges on the Central railroad between Marshall and the depot at Jackson: Provided, in the opinion of the board of internal improvement, such letting is indispensable to a speedy and economical prosecution of said work: And provided also, that the liability of the state will not be increased by such letting more than ten thousand dollars.

Mr. Lamb moved to lay the substitute and resolution on the table, which motion was lost.

The question being taken by ayes and nays, the substitute was adopted by the following vote :

Yeas—Messrs. Anderson, Andrews, Astord, Cady, J. L. Gage, Wm. Gage, Goodell, Godfrey, Goodwin, Howe, Johnson, King, Lacey, Lothrop, Littlejohn, McCamly, McLeod, Moore, Mottram, Murray, Purdy, Rice, Rix, Vaughn, Vickery, Waldron, Weld—27.

Nays—Messrs. Barnard, Beach, Dush, Carpenter, Hagaman, Hixon, Lamb, Lawrence, Lee, Livermore, Olds, Patterson, Poppleton, Pratt, Rowland, Schoolcraft, Seely, Smith, Snell, Snow, Videto, Younglove, Speaker—23.

SPECIAL ORDER.

On motion of Mr. Littlejohn,

The special order was laid upon the table, and made the special order for Tuesday next.

GENERAL ORDER.

On motion of Mr. Rice,

The House went into committee of the whole on the general order, Mr. McLeod in the chair.

After going through the following entitled bills, the committee rose and reported the two first named without amendment and the third with amendments :

A "bill to amend an act entitled 'an act relating to the conveyance of real estate.'"

A "bill for the relief of prisoners on the jail limits."

A "bill to incorporate the Berrien Bridge company."

BILLS PASSED.

The "bill to amend an act entitled 'an act relating to the conveyance of real estate,'" being under consideration,

On motion of Mr. Goodwin,

The rule was suspended and the bill passed.

The "bill for the relief of prisoners on the jail limits," being under consideration,

On motion of Mr. Lacey,

The rule was suspended and the bill passed.

And, on motion of Mr. Goodwin, the "bill to incorporate the Herri-en-Bridge company" was placed on the order of unfinished business.

MESSAGES FROM THE SENATE.

The Speaker announced the following message from the Senate :

SENATE CHAMBER. ?
Friday, January 13, 1843. 9

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return to the House "a bill to provide for the payment of the members and officers of the Legislature for 1843," and to inform the House that the Senate have passed the same.

Also, to transmit to the House a "bill to provide for the disposition of prisoners in certain cases therein mentioned."

Also, a bill in relation to the fire department and firemen of the incorporated cities and villages of this state, which the Senate have passed and respectfully ask the concurrence of the House therein.

Also, to transmit a "joint resolution proposing an amendment to the constitution," which the Senate have adopted and respectfully ask the concurrence of the House therein.

Also, to return a bill to amend "an act to incorporate the village of Grand Rapids," and respectfully inform the House that the Senate have passed the same.

JAS. E. PLATT,
Sec'y of Senate.

And the bill to provide for the payment of members and officers of the legislature for 1843, was ordered to be enrolled.

The bill to provide for the disposition of prisoners in certain cases therein mentioned, was referred to the committee on the judiciary.

The bill in relation to the fire department and firemen of the incorporated cities and villages of this state, was referred to the committee on the judiciary.

The joint resolution proposing an amendment to the constitution, was referred to the committee on elections.

And the bill to amend the act to incorporate the village of Grand Rapids, was ordered to be enrolled.

SENATE CHAMBER,
Friday, Jan. 13, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return to the House "a joint resolution appointing a joint committee to examine the state prison," and inform the House that the Senate have concurred therein, and have appointed as a committee on the part of the Senate, Senator Moody.

JAS. E. PLATT,
Sec'y of Senate.

The Speaker announced Messrs. Videto and Cady as the committee on the part of the House.

And said joint resolution was ordered to be enrolled.

DEATH OF GOVERNOR MASON.

Mr. Lothrop now rose, and addressing the House, announced the death of Stevens T. Mason, late Governor of the state of Michigan, offering the following resolution, which was unanimously adopted :

Resolved, That we deeply sympathize with the relatives of the late Stevens T. Mason, in their sudden and afflictive bereavement, and in this public manner would tender our heartfelt tribute to the memory of the deceased, as an individual who was deeply imbued with all the sterling virtues of public, social and private life.

Mr. Goodwin then offered the following resolutions, and the rule being suspended, were also unanimously adopted :

Resolved, (the Senate concurring,) That the members and officers of this legislature will attend a funeral service, on the occasion of the death of Stevens T. Mason, late Governor of this state, and that the Governor and Lieutenant-Governor, the heads of the departments of state, the chancellor and justices of the supreme court, be invited to attend such service.

Resolved, That a committee of three members of each house be appointed to make the necessary arrangements for such service.

Resolved, That both houses of the legislature, on the adoption of this resolution, forthwith adjourn.

The resolutions being communicated to the Senate, the following message was announced :

SENATE CHAMBER, }
Friday, January 13, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return to the House a joint resolution appointing a joint committee of arrangement for funeral of Gov. Mason, and to inform the House that the Senate have concurred therein and appointed as a committee on their part Senators Greenly, Bell and Redfield.

JAS. E. PLATT,
Sec'y of Senate.

And the Speaker announced as the committee on the part of the House, Messrs. Goodwin, Lamb and Lothrop.

And the House immediately adjourned until Monday next at 11 o'clock A. M.

MONDAY, January 16, 1843.

The House met pursuant to adjournment.

The members were present with the exception of Messrs. Barnard, Bush, Lamb, Snow, and Livermore, and Messrs. Cady and Videto, absent on committee.

LEAVE OF ABSENCE.

Mr. Rice asked and obtained leave of absence for Messrs. Barnard and Bush until to-morrow, and for Mr. Lamb indefinitely.

Mr. Hixon for Mr. Snow, until to-morrow.

Mr. McLeod for Mr. Schoolcraft for to-morrow.

Mr. Lawrence for Mr. Livermore till to-morrow.

The Journal of Friday was read and approved.

PETITIONS.

By Mr. McLeod. Of 200 inhabitants of St. Clair county praying the removal of the seat of justice to Port Huron, Referred to the committee on towns and counties.

By Mr. Waldron. Of 91 citizens of Hillsdale county, asking for the removal of the seat of justice of said county to the village of Hillsdale. Referred to same committee.

By Mr. Lacey. Of Curtis Boughton of the county of Berrien for relief as a purchaser of university and school land. Referred to committee on university, state, salt and school lands.

By Mr. Younglove. Of 143 inhabitants of Monroe county in favor of a ship canal. Referred to the committee on internal improvement.

By Mr. McLeod. Of 160 inhabitants of St. Clair county, asking the appointment of a European agent. Referred to committee on ways and means.

By Mr. Smith. Of 32 inhabitants of school district number one

in the township of Bellevue, in the county of Eaton, praying to have certain acts of said school district legalized. Laid on the table.

By Mr. Speaker. Claim of C. H. Crane. Referred to the committee on claims.

By Mr. Johnson. Of C. Garret and others, members of the Typographical Society of the city of Detroit. Referred to the committee on printing.

REPORTS.

Mr. Littlejohn from the committee on the judiciary, to whom was referred the petition of sundry citizens of the county of Kalamazoo, that the constitution of this state may be amended by expunging from the second article thereof the word "white;" and to whom was also referred the petition of sundry colored inhabitants of the city of Detroit, praying for the same amendment, to the end that they might enjoy the privilege of the elective franchise, would respectfully report :

That they have endeavored carefully and impartially to examine the subject matter of the petitions, and that a report adverse to the prayer thereof, is the result of their settled convictions of duty. Your committee are neither the advocates of slavery nor the apologists of oppression. But whilst they are disposed "to stand from under" the institution of slavery in the southern, they would as sedulously avoid the modern Utopian scheme of social equality and marital amalgamation in the northern states of the Union. Your committee are inclined to accord in the views of Thomas Jefferson when he says, that, "nothing is more clearly written in the book of destiny than the emancipation of the blacks; and it is equally certain that the two races will never live in a state of equal freedom under the same government, so insurmountable are the barriers which nature, habit and opinions have established between them."

But your committee do not feel at liberty, within the limits of a

business report, to state in detail the reasons that have induced the above conclusion. They can only glance at the necessary connexion between civil liberty and intelligence. That the votes of the ignorant will ever receive an aristocratic direction ; that the introduction of a few such votes in a township, may reach to and control the political destinies of the state and nation ; and that should the proposed amendment be adopted, Michigan, from her peculiar position, would ere long, become the hiding place of numerous refugee slaves.

Your committee may be permitted, however, without trespassing too far upon the rules of propriety, to present a single view of the case with the unavoidable consequences that must succeed the adoption of such amendment.

The framers of the organic law of Michigan took their position upon the very foundations of society. All vested rights, and all personal privileges and immunities heretofore claimed or conceded, were scattered in masses around them. Thence they drew the elements of government ; embodied them in a constitution which was submitted to, and adopted by the people. That constitution should not be altered, amended or modified except in case of prime necessity, and even then the hand of innovation should never be permitted to soil its purity, or mar its symmetry. It is now a most perfect system of correlative rights and duties. And yet the petitioners seek to confer its choicest boon upon a class of men who by no law of the state can be enrolled or compelled to perform military duty in its defence. But farther ; the amendment sought to be made, would place the elective franchise within the reach of another class of men ; men who have never acknowledged allegiance either to the form or spirit of our government ; men who brandished the blood-dripping tomahawk over the slaughtered American with fiendish delight, during the late war, and yet could walk abroad at its conclusion, reckless of treason's demerit, and unscathed by a traitor's punishment. From such a consummation, your committee would shield their state

by reporting adversely, and pray to be discharged from the further consideration of the subject.

Mr. Littlejohn from the committee on the judiciary, to whom was referred the Senate "bill in relation to the fire department and firemen of the incorporated cities and villages of this state," reported the same back with amendments, and the same was referred to the committee of the whole.

Mr. Littlejohn from the committee on the judiciary, to whom was referred the bill entitled an act to amend part 4th, title 1st, chapter 8th of the revised statutes relative to adultery and fornication, have had the same under consideration, and, after mature deliberation, from a sense of public justice, feel constrained to report said bill back to the House, with a recommendation that it do *not* pass.

And said bill and report were referred to the committee of the whole.

Mr. Littlejohn from the committee on the judiciary, to whom was referred the petition of sundry inhabitants of Saline, in the county of Washtenaw, praying for the unconditional repeal of the act to provide for the transfer of real estate on execution and for other purposes, passed Feb. 17, 1842, and the act to exempt certain property from execution or sale, &c., passed Feb. 16, 1842, having fully considered said petition, would respectfully report, that, in the view of your committee, the prayer of said petitioners ought not to be granted. Your committee are inclined to the opinion, that the petitioners constitute a portion of an inconsiderable minority of the citizens of Michigan; that the great mass of the people regard with approval the passage and the practical operation of the laws above referred to, and are decidedly opposed to their repeal. Your committee are happy to state that, in the views of that majority, they fully coincide, and believe that, by some comparatively slight amendments of said laws, they will subserve the interests of the people, and place the system of credit upon the healthful basis of personal integrity.

Your committee, therefore, report adverse to the prayer of the petitioners, and ask to be discharged from the further consideration of the subject.

And the report was accepted and laid upon the table.

Mr. Moore from the committee on roads and bridges, to whom was referred the bill entitled an act to authorize Royal C. Ripley to build a dam across the Cass river, in the county of Tuscola, reported the same back to the House, and said bill was referred to the committee of the whole.

Mr. Schoolcraft from the committee on federal relations, to whom was referred a resolution concerning a treaty lately negotiated between the United States and a portion of the Chippewa tribe of Indians, for the relinquishment of their right to the soil within the limits of the state of Michigan, have had the matter under consideration, and ask leave to submit the following report :

Two years ago, an appropriation was made by Congress to defray the expenses of negotiating a treaty for the extinction of the Indian titles to the lands which were then in their possession and occupancy in the state of Michigan. These lands were situated in the Upper Peninsula of the state, on the borders of Lake Superior, as well as in the interior of that section of country. It was, and is, at all times, desirable to remove the Indian population from the states of this Union. Their peace and early settlement and cultivation, are best secured by that policy. It cannot, while any considerable body of Indians remain in a state, be expected that any number of emigrants will give up their peaceable and undisturbed homes in the old settled sections of the Union, and hazard their safety, and that of their families, in the effort to establish their residences in a new territory, in the midst of savages, exposed to the tomahawk and scalping knife, and to daily Indian depredations.

For several years heretofore, propositions were urged in Congress, having in view the early purchase of the lands occupied by the Chippewas in this state : when, at length, an appropriation for

this purpose was effected, it was anticipated that a negotiation would immediately be set on foot to accomplish the object. Instead of this, nearly two years were permitted to elapse before any effectual attempt to hold a treaty was made. When, finally, a treaty was negotiated, it was hoped that it would contain no provision calculated to retard the settlement and population, by white and civilized men, of the large tract of country, amounting to eight millions of acres, lying within the limits of our state, and purchased of the Indians residing thereon. But your committee have learned with regret that the treaty in question contains a stipulation to the effect, that the right of hunting and other privileges of occupancy on the ceded lands, are reserved to the Indians until they are required by the President to remove, and that the laws of the United States, in respect to trade and intercourse with the Indian tribes, shall continue in force within the territory until otherwise ordered by Congress.

The committee do not vouch for the accuracy of the rumor that a stipulation of this precise import is embraced in the treaty. With a view to ascertain its real character, they respectfully sought information from the negotiator. They were well aware that they had no absolute rights to draw a communication by him of any portion of the contents of the treaty. But that instrument was publicly negotiated. Its stipulations had been reported from the treaty ground. The negotiator himself had exposed its articles to the inspection of at least one branch of the state government; and the committee supposed that no objection could exist under these circumstances to a communication to them, and to this House, of the substance of the treaty. They were mistaken. A refusal of the information sought by them, was the result. But the committee, nevertheless, believe that they have, with some degree of precision, described the provisions in the treaty, which they consider liable to the decided disapprobation of the people of Michigan. That stipulation leaves it to the discretion and good pleasure of the President, when, at what period, near or remote, the Chippewas shall remove from the lands which

they have heretofore occupied in Michigan. They may, if he choose, continue there for years, and the eight millions of territory purchased from them, and, in the meantime as likely to remain unsettled and uncultivated by civilized men as if the treaty had not been made. If the laws of the United States in respect to treaties and intercourse with the Indian tribes be of a general nature, as the committee apprehend they are, and if they are binding and obligatory on the states whose jurisdiction is co-extensive with their boundaries, then any stipulation, expressly applying them to any portion of the territory within the limits of Michigan was altogether superfluous. If, on the other hand, the provision in the treaty had in view an occult object; if, under the pretext of protecting the morals and habits of the Indians, its real purpose was to prevent the citizens of Michigan from going into the purchased country and examining its soil and land with the intention of a final settlement upon them; if, in a word, it were designed by this stipulation in the treaty, to secure to the American Fur company a continual monopoly in the fur trade with that tribe, and the supplies of goods and other articles to them, then the stipulation is not only superfluous, but obnoxious to the unqualified condemnation of the people of Michigan.

It is not unusual for the Senate of the United States, in the ratification of Indian treaties, to propose alterations in some of their articles; and these alterations amount to a law to the Indians. They are always, with very rare exceptions indeed, acquiesced in by the tribe to whom they are proposed.

In view of these circumstances, and for the considerations briefly suggested in this report, the committee submit the following joint resolution, which may have the effect of causing the objectionable article in the treaty to be stricken out, while it cannot prevent the ratification of all its beneficial provisions.

J. L. SCHOLCRAFT,

In behalf of the committee.

Resolved, by the Senate and House of Representatives of the State of Michigan, That our Senators in Congress be, and they are hereby instructed to use their exertions in the ratification of the treaty lately negotiated with the Chippewa tribe of Indians residing in a part of this state, to cause to be expunged therefrom any article in said treaty which may stipulate for the continued occupancy, (during the pleasure of the President,) of the territory ceded by them to the United States ; or which may provide that the laws of the U. States, in respect to trade and intercourse with the Indian tribes, shall be especially applicable to the territory acquired under this treaty, and continue in force therein until otherwise ordered by congress.

Resolved, That the Governor be requested to forward a copy of the above resolution to each of our Senators in congress.

And the rules were suspended and the resolution adopted.

Mr. Lacey pursuant to notice obtained leave to introduce a bill to reduce the compensation allowed to associate judges of the circuit court, which bill was referred to the committee on the judiciary.

Mr. Littlejohn from the committee on the judiciary, to whom was referred the Senate bill to provide for the disposition of prisoners in certain cases therein specified, reported the same to the House without amendment and recommended its passage.

Mr. McLeod from the select committee to whom was referred so much of the Governor's message as relates to the election of members of congress, reported a bill to divide the state into congressional districts, which was laid on the table and ordered to be printed.

Mr. Andrews from the committee on elections, to whom was referred several joint resolutions instructing them to inquire into the expediency of amending the fourth section of the fourth article of the constitution of this state, so as to allow the representatives of the legislature to be chosen on the first Monday of November, annually, would respectfully report, that they have had the same under consideration, and are of the opinion that the amendment contem-

plated in the resolutions, is a very important one, practicable in its operation and of great pecuniary advantage in its results, making a very important item in the saving of time and money annually to the citizens of this state.

Your committee have no hesitation in saying that, in their opinion, the proposed amendment will meet the entire views and receive the hearty response of a large majority of the people, when it shall be submitted to them for their approval. Your committee are also of the opinion that the districting of large and densely populated towns will entirely obviate any apprehensions that may be felt, and secure to every citizen the inestimable privilege of the elective franchise, without abridging, or in any way violating the rights of any portion of the electors of this state.

Your committee would, therefore, respectfully report the same back and recommend the adoption of the first and second resolutions, as embracing the whole matter, with the following amendments to the first, to wit : After the word "the" in the second line, insert the words, "fourth section ;" strike out "in," after the word "Monday," in the sixth line and insert the word "of ;" and respectfully ask to be discharged from the further consideration of the subject.

Mr. Lothrop from the committee on enrollment and engrossment had examined and found correctly enrolled "an act to provide for the pay of members and officers of the Legislature for the year 1843." Also, "an act to amend an act to incorporate the village of Grand Rapids," and have presented both acts to the Governor for his approval.

The Speaker announced a communication from the board of supervisors of the county of Wayne, which was referred to the committee on the judiciary.

MESSAGES FROM THE SENATE.

The Speaker announced the following messages from the Senate:

SENATE CHAMBER.
Monday, January 16, 1843.

To the Speaker of the House of Representatives.

Sir—I am instructed by the Senate to respectfully inform the House, that the Senate have elected the Hon. William L. Greenly their President pro tem. for the session.

JAS. E. PLATT,
Secretary of Senate.

SENATE CHAMBER.
Monday, January 16, 1843.

To the Speaker of the House of Representatives :

Sir—I am instructed by the Senate to respectfully inform the House that the Senate have concurred in the House substitute to Senate joint resolution rescinding in part joint resolution prohibiting new contracts on the public works, and have ordered the same to be enrolled.

JAS. E. PLATT,
Sec'y of Senate.

GENERAL ORDER.

On motion of Mr. Goodwin,

The House resolved itself into committee of the whole on the general order, Mr. Waldron in the chair.

After having under consideration the bill to regulate the tax sales for 1843, the committee rose and reported progress and had leave to sit again.

On motion of Mr. McCamly,

200 copies of Mr. Littlejohn's report, in relation to striking the word "white" out of the constitution, was ordered to be printed.

NOTICES.

Mr. Littlejohn gave notice that he would, on some future day, ask leave to introduce a bill to incorporate the Allegan Academy.

Mr. Johnson gave notice that he would on some future day ask leave to introduce a bill organizing a land office and for other purposes.

On motion, the House adjourned.

TUESDAY, January 17, 1843.

The House met pursuant to adjournment.

The members were present except Messrs. Cady and Videto, absent on committee, Messrs. Lamb and Schoolcraft on leave, and Messrs. Provost and P. att.

The Journal of yesterday was read and approved.

LEAVE OF ABSENCE.

Mr. McLeod asked for and obtained leave of absence for Mr. Provost for the week.

Mr. Lee for Mr. Pratt until to-morrow.

PETITIONS

By Mr. Younglove. Of inhabitants of Wayne, Monroe and Washtenaw, for a state road leading from Flat Rock, in the county of Wayne, to Oakville, in the county of Monroe. Referred to committee on roads and bridges.

By Mr. Rix. Of 251 citizens of St. Clair county, for a division of the county of St. Clair. Referred to committee on towns and counties.

By Mr. Rix. Remonstrance of 303 citizens of St. Clair county, against the removal of the seat of justice of said county. Referred to same committee.

By Mr. Lothrop. Claim of David French. Referred to committee on claims.

By Mr. Murray. Claim of B. B. Moore & Co. Referred to same committee.

By Mr. Livermore. Claim of Drusus Hodges for labor on state prison. Referred to same committee.

By Mr. Murray. Memorial of 36 citizens of Canton, Plymouth and adjoining towns in Wayne county, praying for the repeal of the act constituting the Baptist Convention of the state of Michigan. Referred to committee on banks and incorporations.

By Mr. Murray. Memorial of 81 citizens of same towns for the same. Referred to same committee.

By Mr. Younglove. Memorial of Ellis & Briggs, relative to the public printing. Referred to the committee on printing.

By Mr. ———. Offender's adults of the Poor of the county of Washington. Referred to the committee on the judiciary.

By Mr. Lothrop. Memorial of James C. Henry, a member of this legislature "to assert before the nation and the world, that Michigan is not bound by the ordinance of 1787, and of course not by the constitution of the United States, to deliver up fugitives from service and labor, who may escape from the *new* slave states, and be found in this state."

Mr. Lothrop moved the reference of this memorial to the committee on the judiciary.

Mr. Bush proposed to amend by referring to the committee on federal relations.

Mr. McLeod moved to lay the memorial on the table, which motion was lost.

The question being taken on the motion of Mr. Lothrop, the same was lost.

The memorial was referred, on the motion of Mr. Bush, to the committee on federal relations.

REPORTS

Mr. Littlejohn, from the committee on the judiciary, to whom was referred the bill to amend sec. 21, chap. 3, title 4, part one of the revised statutes, (page 42,) touching bond of county treasurer; also, to amend sec. 20, chap. 3, title 6, part one, (page 119) of said statutes, relative to the account to be rendered by overseers of highways, reported the same back with amendments, and the same was referred to the committee of the whole.

Mr. Anderson, from the standing committee on the organization of towns and counties, to whom was referred the petitions of sundry citizens of the counties of Wayne and Monroe, praying for the organization of a new county within the limits of said counties, have instructed their chairman to report, that they* have had said petitions under consideration, and after an examination and review of the whole matter, have been led to adopt the conclusion that the prayer of the petitioners ought not to be granted.

Among the many reasons which have induced the committee to come to this conclusion, they would mention two, which, in the judgment of your committee, are conclusive. The first is, that under the arrangement asked for by the petitioners, the county of Wayne would be reduced to a number of square miles less than the minimum required by the constitution; and the second is, that the county of Wayne would be left in an inconvenient and improper shape, being about 35 miles in length and 12 miles in width.

In addition to these difficulties, the committee would state that the notice required to be given by section 4, chapter second, part first of the revised statutes, does not appear to have been given. In view of which facts, the committee report adversely to the prayer of the petitioners and ask to be discharged from the farther consideration of the subject.

The Speaker announced the following messages from the executive, by Mr. J. M. Welch, his private secretary:

EXECUTIVE OFFICE.
January 16, 1873.

To the House of Representatives:

I have this day approved, signed and filed in the office of the Secretary of State,

“An act to amend ‘an act to incorporate the village of Grand Rapids.’”

JOHN S. BARRY.

EXECUTIVE OFFICE, }
January 17, 1843. }

To the House of Representatives :

I have this day approved, signed and deposited in the office of the secretary of state,

“ An act to provide for the payment of the members and officers of the present legislature.”

JNO. S. BARRY.

Mr. Younglove, pursuant to notice, obtained leave to introduce a “ bill relative to drains and ditches,” which was referred to the committee on agriculture.

Mr. Younglove gave notice that at some future day he will ask leave to introduce a bill relative to the boundary lines of townships.

RESOLUTIONS.

On motion of Mr. Lothrop,

Resolved, That the committee on engrossment and enrolment be empowered to make such changes in the department of engrossment and enrolment as they shall think will best promote the interests of this House, and from time to time employ such additional clerks as may be necessary to do up promptly the business in this department: Provided, that they shall not agree to pay a per diem allowance exceeding that now established by law.

On motion of Mr. Carpenter,

Resolved, That the committee on towns and counties be instructed to inquire into the expediency of changing the names of the following counties as laid off and named in the act entitled “ an act to lay off and define the boundaries of certain counties,” approved April

1st, 1840, to wit: Oosana, Neeswaygo, Micosta, Notipekago, Aishcum, Uawattin, Kaykakee, Munisteo, Kaddawaubet, Missaukees, Mikenauk, Ogoniv, Kinotin, Negvagon, Oseodi, Shawono, Wabasseo, Omsena, Seelanau, Moegisee, Okkuddo, Cheonoquat, Annamickoo, Kiskkauko, Tonodagana and Cheboygan.

MESSAGE FROM THE SENATE.

SENATE CHAMBER,
Jan. 17, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return to the House a "bill to amend an act entitled 'an act relating to the conveyance of real estate,'" and respectfully inform the House that the Senate have passed the same.

Also, to transmit to the House, a "preamble and joint resolutions of instruction relative to a fine imposed by Dominick A. Hall on Gen. Andrew Jackson," which the Senate have adopted and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,

Sec'y of Senate.

The bill to amend an act entitled "an act relating to the conveyance of real estate," was ordered to be enrolled.

And the preamble and joint resolutions of instruction relative to the fine imposed by Dominick A. Hall on Gen. Andrew Jackson, being under consideration,

On motion of Mr. Johnson,

The rule was suspended, and the question being on concurring in the resolutions,

Mr. Waldron moved to lay the same on the table, which motion was lost.

Mr. Waldron then moved to transpose the names of Jackson and Hall in the second resolution, and vice versa.

Mr. Goodwin calling for the yeas and nays, the motion was lost by the following vote:

Yeas—Messrs. Vickery and Waldron—2.

Nays—Messrs. Anderson, Andrews, Axford, Barnard, Beach, Bush, Carpenter, J. L. Gage, Wm. Gage, Goodell, Godfroy, Goodwin, Hagaman, Hixon, Howe, Johnson, King, Lacey, Lothrop, Lawrence, Lee, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, Murray, O'Keeffe, Olds, Patterson, Poppleton, Purdy, Rice, Rix, Rowland, Seely, Smith, Snell, Snow, Vaughn, Weld, Younglove, Speaker—44.

The question being on the adoption of the resolutions, they prevailed by the following vote:

Yeas—Messrs. Anderson, Andrews, Axford, Barnard, Beach, Bush, Carpenter, J. L. Gage, Wm. Gage, Goodell, Godfroy, Goodwin, Hagaman, Hixon, Howe, Johnson, King, Lacey, Lothrop, Lawrence, Lee, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, Murray, O'Keeffe, Olds, Patterson, Poppleton, Purdy, Rice, Rix, Rowland, Seely, Smith, Snell, Snow, Vaughn, Weld, Younglove, Speaker—44.

Nays—Messrs. Vickery and Waldron—2.

Mr. Patterson moved to strike out the body of the preamble, which motion did not prevail.

Mr. Vickery moved to strike out the word "unjustly," which motion was lost;

And the preamble was concurred in.

THIRD READING.

The Speaker announced for a third reading the Senate Bill to amend section 22, chapter 11, title 7, part 21 of the revised statutes relative to divorce, and the same was read a third time and passed.

UNFINISHED BUSINESS.

The "bill to incorporate the Berrien Bridge company," being under consideration,

On motion of Mr. Waldron,

The 6th section was amended by striking out "same day of the same month on which the first election is held," and inserting "first Tuesday of May."

On motion of Mr. Smith,

The 11th section was amended by striking out in first line, "be a board" and inserting "constitute a quorum," and after the word "board" in the second line inserting "present."

On motion of Mr. Rice, the 16th section was stricken out.

On motion of Mr. Patterson, the following was substituted for section 22:

"That each stockholder shall be individually liable for all debts incurred by the company."

Mr. Rice moved to insert the following in place of section 23 stricken out, which motion did not prevail:

Sec. 23. Whenever any resident of the county of Berrien shall give notice to the president of said company, that he is ready to pay the said company such sum as the said bridge and appurtenances shall be appraised to be worth and in addition thereto seven per cent.

tum per annum on that sum from the day of the date of the certificate of the judges aforesaid and costs of appraisal, and that it is the design to make the same a free bridge; the president shall without delay select an appraiser and the said resident another and those two a third, neither of whom shall be interested in the matter; and the appraisers so chosen shall proceed to appraise the said bridge and appurtenances at the then fair cash value, and shall deliver to the president and to such resident, each, a certificate of the amount, at which they do so appraise the same. Then if such resident shall pay or tender to the said president for the benefit of the company, the amount at which the same was so appraised and the seven per centum and costs above specified, the said bridge shall immediately, and forever thereafter, be a free bridge, and thereupon the said corporation shall cease and be dissolved.

Mr. Anderson moved to recommit the bill to the committee of the whole, but on the suggestion of Mr. Lacey, amended his motion and the same was referred to the committee on roads and bridges.

SPECIAL ORDER.

On motion of Mr. McLeod,

The House went into committee of the whole, Mr. Lothrop in the chair, on the special order, being the "resolution of instruction to the judiciary committee, relative to the judiciary system of this state," and after some time spent thereon, the committee rose, reported progress, and asked and obtained leave to sit again.

On motion, the House then adjourned.

WEDNESDAY, January 16, 1846.

The House met pursuant to adjournment.

The Journal of yesterday was read and approved.

PETITIONS:

By Mr. Andrews. Of E. L. Barret and others, to change the name of Maria Eliza Barret, to that of Maria Elizabeth Livermore. Referred to committee on the judiciary.

By Mr. Younglove. Claim of James Q. Adams. Referred to the committee on claims.

By Mr. Hixon. Claim of James L. and David Smith, against the state. Referred to the same committee.

By Mr. Poppleton. Claim of Parshall and Foster. Referred to the committee on claims.

Mr. Goodwin from the committee on ways and means, to whom was referred the petition of C. Chapel, reported the same back, and on his motion it was referred to the committee on claims.

REPORTS.

Mr. Moore from the committee on roads and bridges, to whom was referred the petitions of sundry inhabitants relative to certain state roads, reported a bill entitled "an act to provide for laying out certain state roads," which bill was referred to the committee of the whole.

Mr. Littlejohn from the committee on the judiciary, to whom was referred the petition of the superintendents of the poor of the coun-

ty of Wayne, praying for an amendment of the poor laws, so far as relates to a Justice of the Peace drawing an order on the county treasurer for temporary relief, and requesting the Hon. Council, the directors of the poor, to make the required advances and have their accounts audited by the superintendents of the poor, having considered the same, would report averse to the prayer of the petitions, and ask to be discharged from the further consideration of the subject.

And the committee were discharged accordingly.

Mr. Littlejohn from the committee on the judiciary, to whom was referred the memorial of the board of supervisors of the county of Wayne, praying that the judicial duties of the associate judges may be confined to an attendance on the court of criminal jurisdiction, and that their per diem allowance when thus employed may be reduced, would report that as to so much of said memorial as prays that the attendance of said associate judges may be confined to the court of criminal jurisdiction, the committee would deem the proposed amendment inexpedient; as to the other relief sought the committee would report thereon in connexion with a bill to them also referred, entitled "an act to reduce the compensation allowed to associate judges of the circuit court," which the committee would report back to the House with amendments thereto.

And the same was referred to the committee of the whole.

Mr. Lothrop from the committee on internal improvement, to whom was referred the petition of 61 inhabitants of Van Buren county, asking an appropriation to aid in opening a state road from Schoolcraft, in the county of Kalamazoo, to St. Joseph, in Berrien county, had the same under consideration, and reported that

The object of the prayer of the petitioners might well be worthy of the attention of the legislature and call upon them for an appropriation to aid in opening a road which would be of great benefit to that section of the country through which it runs, provided that the finances and resources of the state did not utterly forbid the appropriation of money on any local object when the revenue to be de-

rived, will in all human probability, be equal to, or more than the yearly interest on such expenditure. As the state cannot expect any revenue from an expenditure on the route, mentioned in the petition, your committee are of the opinion that it is inexpedient to grant the aid prayed for, and ask to be discharged from the further consideration of the subject.

And the committee were accordingly discharged.

Mr. Goodwin from the committee of ways and means, to whom was referred the petition of John F. Hamlin and others, contractors on the Clinton and Kalamazoo canal, report, that in their opinion all contracts made by the commissioners of internal improvement, beyond the amount of the appropriation to the work contracted, are unauthorized by law, and in no way binding upon the state.

In the present case, there may be justice in the petitioner's claim, and your committee would not willingly act in such a manner as to injure an individual.

They therefore ask to be discharged from the further consideration of the petition, and that it be referred to the committee on internal improvement, with instructions to provide for so much thereof, as on examination they find just, by an appropriation to be paid in the same manner as other contractors on the works of internal improvement are paid.

And the petition was referred in accordance with the recommendation, to the committee on internal improvement.

Mr. Littlejohn, pursuant to notice, obtained leave to introduce a bill to incorporate the Allegan Academy, which was referred to the committee on banks and incorporations.

Mr. McLeod from the select committee on so much of the Governor's message as relates to the law of congress requiring the states to elect by districts, made a report thereon which was ordered to be printed.

NOTICES.

Mr. Vickery gave notice that at some future day, he should ask leave to introduce a bill to amend "an act to reduce the price of university and school lands, and for other purposes," approved the 15th February, 1842,

RESOLUTIONS.

On motion of Mr. Livermore,

Resolved, That the State Geologist be requested to furnish this House as soon as convenient, all the information within his knowledge, relative to the survey of Grand River, from Jackson, in the county of Jackson, to Lyons, in the county of Ionia, and the distance between the two points; also his opinion of the practicability of its being made a navigable stream.

On motion of Mr. Purdy,

Resolved, That when this House adjourn it will adjourn to meet to-morrow at 9 o'clock.

On motion of Mr. Goodwin, the House resolved itself into committee of the whole on the memorial and resolutions in relation to Lake Harbors, Mr. Vickery in the chair.

After going through the same, and making amendments, the committee rose and reported the same with amendments, which were adopted by the House, and the memorial and resolutions were ordered to be engrossed for a third reading.

UNFINISHED BUSINESS.

On motion of Mr. Lothrop,

The House again resolved itself into committee of the whole on the resolutions of instruction to the committee on the judiciary, Mr. Lothrop in the chair.

After being engaged thereon until the hour of adjournment, the committee rose and reported progress, asked and obtained leave to sit again.

The Speaker announced the following message from the Senate:

SENATE CHAMBER, }
Wednesday, January 18, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit to the House "a bill to divide the state into congressional districts, and to provide for the election of Representatives in congress," which the Senate have passed and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,
Secretary of Senate.

And said bill was, on motion of Mr. Lothrop, referred to the committee of the whole, and

On motion of Mr. McLeod, made the special order for Monday next.

And the House adjourned.

THURSDAY, January 19, 1843.

The House met pursuant to adjournment.

The Journal of yesterday was read and approved.

PETITIONS.

By Mr. Schoolcraft. Of Samuel H. Farnsworth, of Monemone river, Wisconsin Territory, asking permission to construct a dam across the Monemone river. Referred to the committee on roads and bridges.

By Mr. Rowland. Claim of Edward Boyle. Referred to the committee on claims.

By Mr. Rowland. Sundry claims of A. McFarren, for stationary, &c. Referred to same committee.

By Mr. Bush. Claim of Daniel Thurston. Referred to same committee.

By Mr. Lacey. Petition of Hester Jones, of the county of Berrien, asking that a mistake may be rectified in the purchase of a tract of university land. Referred to the committee on university, state, salt and school lands.

By Mr. Waldron. Remonstrance of 60 citizens of Hillsdale county, against the removal of the county seat of said county. Referred to the committee on towns and counties.

By Mr. Howe. Petition for the right of suffrage from 82 citizens of Washtenaw. Ordered to lie on the table.

By Mr. Waldron. Of Salmon Sharp and 55 others of the town of Adams, Hillsdale county, for relief in regard to school moneys. Referred to committee on university and school lands.

REPORTS.

Mr. Goodwin from the committee on ways and means, reported a bill for the purchase of session laws of 1910, which was referred to the committee of the whole.

Mr. Younglove, pursuant to notice, obtained leave to introduce "a bill relative to the boundary lines of townships," which was referred to the committee on towns and counties."

Mr. Vickery, pursuant to notice, obtained leave to introduce a bill to amend "an act to reduce the price of university and school lands, and for other purposes," which was referred to the committee on university and school lands.

Mr. Pratt from the committee on engrossment and enrolment, reported as correctly enrolled the bill entitled "an act to amend an act entitled an act relative to the conveyance of real estate," and that the same had been presented to the Governor for his signature.

NOTICES.

Mr. Rice gave notice that he would, at an early day ask leave to introduce a bill to establish the salary of the Governor, Justices of the Supreme Court and Chancellor, and to fix the compensation of associate judges.

[Jan. 19.]

RESOLUTIONS.

On motion of Mr. Lacey,

Resolved, That the judiciary committee be, and they are hereby instructed, to inquire into the expediency of reporting a bill to this House at their earliest convenience, which shall have the effect to amend the existing fence laws, so that no action for trespass shall be sustained for destruction of grain, &c. by cattle and other animals running at large, unless the complainant shall be able to shew that his ground so trespassed upon, was surrounded by a good and legal fence.

On motion of Mr. Purdy,

Resolved, That from and after Monday next, this House will hold two sessions a day, commencing at 10 o'clock in the morning, and at 2 o'clock in the afternoon, and until then it will meet at 10 o'clock in the morning.

UNFINISHED BUSINESS.

The Speaker announced the memorial and resolutions relating to Lake Harbors, and the same was read a third time and passed.

The proposed articles from the Senate, amending the constitution, being called up,

On motion of Mr. Goodwin,

The several amendmements proposed by the Sénaté and the House were referred to the committee of the whole, and their consideration deferred to make room for the

When, on motion of Mr. Littlejohn, the House resolved itself into committee of the whole on the resolutions of instruction to the committee on the judiciary, Mr. Lothrop in the chair.

After some time spent thereon the committee rose, reported progress, and asked for leave to sit again; when,

On motion of Mr. McLeod,

The same was laid upon the table.

MESSAGE FROM THE SENATE.

The Speaker announced the following message from the Senate:

SENATE CHAMBER,
Thursday, January 19, 1845. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return the "joint resolution of instruction in respect to the Indian Treaty," and respectfully inform the House that the Senate have concurred therein.

Also, to return the memorial and resolutions relating to Lake Harbors and the commerce of the Lakes, which the Senate have concurred in with amendments in which they respectfully ask the concurrence of the House.

Also, to return the bill to amend an act entitled an act to amend the several acts concerning the supreme court, circuit courts and court of chancery of the state of Michigan, approved Feb. 11, 1837, together with the report of conference thereon, being a substitute for said bill, and entitled "a bill to provide for the transfer of certain causes from the supreme court to the court of chancery and for

other purposes," and to respectfully inform the House that the Senate have concurred in the report, and passed the bill.

JAS. E. PLATT,
Sec'y of Senate.

And the resolutions of instruction in relation to the Indian Treaty were ordered to be enrolled.

The amendments to the "memorial and resolutions relating to Lake Harbors and the commerce of the Lakes," were severally concurred in, and the same ordered to be enrolled.

And the "bill, [substitute,] to provide for the transfer of certain causes from the supreme court to the court of chancery, and for other purposes," was concurred in by the House and ordered to be enrolled.

MESSAGE FROM THE GOVERNOR.

The Speaker also announced the following message from the Governor :

EXECUTIVE OFFICE, }
Detroit, January 19, 1843. }

To the House of Representatives :

I have this day approved, signed and deposited in the office of the secretary of state,

"An act to amend an act entitled an act relating to the conveyance of real estate."

JOHN S. BARRY.

And the House adjourned until to-morrow morning at 10 o'clock.

FRIDAY, January 20, 1843.

The House met pursuant to adjournment.

The members were present with the exception of Messrs. Hixon and Hagaman, and Mr. Lamb on leave.

The Journal of yesterday was read and corrected.

PETITIONS.

By Mr. Videto. Of James McKee, Sherman Eastman and others, for damages occasioned by the central railroad passing through their lands. Referred to committee on internal improvement.

By Mr. Murray. Memorial of 16 citizens of the town of Fairfield, Lenawee county, Michigan, for the repeal of an act entitled "an act constituting the Baptist Convention of the state of Michigan." Referred to the committee on banks and incorporations.

By Mr. Rix. Petition of 40 inhabitants of Lexington, St. Clair county, that the act to exempt certain property from execution, &c. be so modified that it will have a more equitable bearing. Referred to committee on ways and means.

By Mr. Pratt. Petition of 121 citizens of Oakland county, to pass an act granting a pre-emption right to actual settlers on sections 8 and 9 of university land, in the town of Southfield, and to reduce the price of the same. Referred to committee on university and school lands.

By Mr. Johnson. Petition of John McKenzie and others, for relief as an occupant of university land. Referred to committee on university and school lands.

By Mr. Anderson. Petition of citizens of Cass county, asking the

organization of a new township. Referred to the committee on towns and counties.

By Mr. ———. Petition of the citizens of the town of Orange to change the name of said town to that of Erin. Referred to the committee on towns and counties.

By Mr. Rix. Remonstrance against dividing the county of St. Clair, a remonstrance against the removal of the seat of justice of said county, and a petition to divide said county. Severally referred to committee on towns and counties.

REPORTS.

Mr. Pratt, from the joint committee of the Senate and House of Representatives, to whom was referred a joint resolution relative to the state printing, respectfully asked leave to report, that in pursuance of said resolution the committee instructed their chairman to cause public notice to be given in all the daily papers in the city of Detroit, of the time and place of receiving sealed proposals for doing the state printing, and that the chairman in pursuance thereof, caused the notice to be given. The time fixed in said notice for receiving and opening the proposals was fixed as the 17th day of January, 1843, at 5 o'clock in the afternoon.

The committee met at the time fixed in the said notice, and had received three sealed proposals for doing the state printing, and one for doing the book binding, which were as follows to wit :

Messrs. Bagg and Harmon proposed to do all the printing for 34 cents per 1000 ems for composition and 23 cents per line for press work, and that they will publish the laws on the Free Press without any charge to the State, and as security for the performance of their contract they offer the names of E. B. Farnsworth and Martin Story.

Proposals of Edward D. Ellis and W. H. H. Briggs, as follows :

First—The Journals 32 cents per 1000 ems for composition, and 23 cents per token for press work.

Second—The documents 23 1-2 cents per 1000 ems for composition, and 25 cents per token for press work.

Third—Session laws 24 cents per 1000 ems for composition, and 25 cents per token for press work.

Fourth—Senate bills 22 cents per 1000 ems for composition, and 25 cents per token for press work.

Fifth—House bills 23 cents per 1000 ems for composition, and 25 cents per token for press work.

Sixth—A general proposition for doing all the state printing for the sum of 22 cents per 1000 ems for composition and 25 cents per token for press work, provided the Legislature will constitute the Constitutional Democrat the state paper. The names of the sureties are Levi S. Humphrey, G. F. Rood & Co., John McDonell, Lewis Darrab, John Hanson, Anthony L. Briggs and John Chamberlain.

Proposal of Sheldon McKnight to do all the printing is as follows, to wit :

For composition 25 cents per 1000 ems, and 25 cents per token for press work ; that he will furnish the tables of members of both branches of the Legislature with the Journals of the preceding day without any charge to the state, and also that he will publish the laws passed at the present session, in the Detroit Gazette and charge only for the press work ; and also that he will procure the binding to be done as cheap as the same can be done in the city of Detroit. His sureties offered or named are L. B. Misner and Thomas C. Sheldon.

Zachariah Vallon proposed the book binding for the following prices to wit : the session laws for 12 cents per copy ; the journals for 23 cents per copy and furnish all the materials for the above consideration, the same to be bound as those books have heretofore been

done for the state. The names of securities offered are Douglass Houghton and Henry N. Walker.

Mr. Rice, pursuant to notice, obtained leave to introduce "a bill to establish the salary of the governor, justices of the supreme court and chancellor, and to fix the compensation of associate judges," which bill was referred to the committee on the judiciary.

Mr. Snell, pursuant to notice, obtained leave to introduce a bill entitled "an act concerning stray beasts," which was referred to the committee on towns and counties.

MOTIONS.

Mr. Snow asked for and obtained leave of absence for Mr. Hixon until Monday next.

Mr. Patterson for Mr. Haganman until Tuesday next.

RESOLUTIONS.

On motion of Mr. Bush,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of reducing the fees of the judge of probate, and of having a register of the court of probate appointed.

On motion of Mr. Murray,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of abolishing capital punishments, and to report by bill or otherwise.

On motion of Mr. Vaughn,

Resolved, That the committee on roads and bridges be instructed to inquire into the propriety of authorising the commissioners of highways to lay out roads without in any case calling a jury.

SPECIAL ORDER.

On motion of Mr. Goodwin, the House now resolved itself into committee of the whole on the special order, being the "bill to regulate the collection of taxes for the year 1843 and for other purposes," Mr. Mottram in the chair.

After some time spent thereon, the committee rose, reported progress, and asked for and obtained leave to sit again.

The Speaker announced Mr. Smith as a member of the committee on education in place of Mr. McLeod declining to serve.

MESSAGES FROM THE SENATE.

The Speaker announced the following messages from the Senate:

SENATE CHAMBER, }
Friday, January 20, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return the "bill to authorize the payment of interest on certain delinquent tax stock," and to inform the House that the Senate have passed the same with an amendment, in which they respectfully ask the concurrence of the House.

JAS. E. PLATT,
Sec'y of Senate.

And the House concurred in the amendment of the Senate, and ordered the bill to be enrolled.

SENATE CHAMBER.)
Jan. 20, 1843. }

To the Speaker of the House of Representatives :

SER—I am instructed by the Senate to transmit “a bill to amend an act entitled an act to exempt certain property from execution or sale for any debt, damages, fine or amercement,” approved Feb. 16, 1842, which the Senate have passed, and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,

Sec’y of Senate.

And said bill was referred to the committee on the judiciary.

The House then adjourned until to-morrow morning at 10 o’clock.

SATURDAY, January 21, 1843

The House met pursuant to adjournment.

Members present as yesterday.

The journal of yesterday was read and corrected.

PETITIONS.

By Mr. Anderson. The remonstrance of Philo S. McOmber and others of Cass county against the division of a certain town in said county. Referred to the committee on towns and counties.

By Mr. Patterson. Of 43 residents of Lenawee county in favor of the incorporation of a "Botanic Medical Society of the state of Michigan." Referred to the select committee on that subject.

By Mr. Pratt. Of 15 citizens of the township of Southfield, Oakland county, asking the legislature to modify or repeal the exemption law. Referred to the committee on the judiciary.

By Mr. Bush. Of L. E. Beach and 110 other inhabitants of Marion and Isco, in Livingston county, asking for an alteration of the division line between said townships. Referred to the committee on towns and counties.

By Mr. McCauley. Of citizens of Cass county in relation to fences. Referred to the committee on the judiciary.

~~REPORTS.~~

Mr. Gagy, from the committee on banks and incorporations, to whom was referred a bill entitled "an act to incorporate the Allegan Academy," having had the same under consideration, reported the same back without amendment and recommended its passage.

And said bill was referred to the committee of the whole.

Mr. Anderson, from the standing committee on the organization of towns and counties, to whom was referred sundry petitions of the

citizens of the county of Hillsdale, asking for the removal of the seat of justice of said county to the village of Hillsdale, and also sundry remonstrances against said removal, reported that

A careful examination of all the papers and facts connected with the application and remonstrance has satisfied the committee that the removal of the seat of justice of said county to the village of Hillsdale is demanded, not only by a large majority of the citizens of the county, but by every consideration of justice, expediency and right.

The petitions, presented to the legislature and referred to the committee, contain the names of eleven hundred and thirty-four (1134) citizens of the county of Hillsdale in favor of the removal, and the remonstrances contain the names of four hundred and forty-two (442) citizens against such removal. The wishes of over nine-tenths of the electors of the county have thereby been made known to the legislature and show a very large majority in favor of the removal.

Aside from so decided an expression of the feelings of the citizens of the county, the committee would state that the village of Hillsdale is, from its central location, the best calculated to accommodate the citizens of the county, and that its business facilities and prospects render it a point most convenient and best adapted to concentrate the trade and intercourse of the surrounding country.

The committee also believe it to be for the best interests of the county, that the county seat should be permanently located in compliance with the wishes of the majority. The county of Hillsdale is now the *eighth* county in the state in point of population and wealth, and her citizens, in reason and justice, ask and expect a settlement of a vexed and agitating question.

• Paying due deference therefore to the emphatic expression of those most directly interested in this matter, and believing the location asked for to be the most suitable and convenient; the committee have instructed their chairman to introduce a bill entitled "an act to vacate the present seat of justice of the county of Hillsdale, and to establish the same at the village of Hillsdale;" which bill was referred to the committee of the whole.

Mr. Pratt, from the committee on enrolment, reported the following entitled bill as correctly enrolled: "An act to authorize the payment of interest on the delinquent tax stock of this state;" and that the same was this day presented to the Governor for his signature.

Mr. Littlejohn, from the majority of the committee on the judiciary, to whom was referred the "bill relative to the sale of real estate on execution, and for other purposes," having had the same under consideration, and believing that the objects aimed at by the bill could be fully attained by engrafting some of its leading features upon the existing transfer bill, with other amendments thereto, would report the same back with a substitute therefor.

And said bill and substitute were, on motion of Mr. Bush, laid up on the table.

Mr. Pratt, from the committee on printing, reported a proposition of G. F. Rood & Co., to do the binding of journals and documents, which was referred for consideration when the House should have that subject before them.

Mr. Littlejohn, from the committee on the judiciary, to whom was referred the Senate bill to amend an act entitled "an act to exempt certain property from execution or sale for any debt, damages, fine or amercement," approved February 16, 1842, reported the same back with an amendment, and it was referred to the committee of the whole.

NOTICES.

Mr. Livermore gave notice that he will at an early day ask leave to introduce a "bill to incorporate the village of Jackson, in the county of Jackson."

Mr. Rice gave notice that he will at an early day ask leave to introduce a bill to amend an act entitled "an act to provide for the assessment and collection of taxes," approved 16th February, 1842, (page 85,) and also to a "bill to amend an act entitled "an act to

provide for the transfer of real estate on execution and for other purposes," approved 17th February, 1842, (page 135.)

Mr. Carpenter gave notice that at a future day he will ask leave to introduce a "bill to prevent counties from becoming chargeable for the support of prisoners confined in the county jails, under the act to abolish imprisonment for debt and to punish fraudulent debtors."

Mr. Pratt, from the committee on printing, asked and obtained leave to amend his report of yesterday, by inserting in the proposals of S. McKnight, that he proposes furnishing the laws gratuitously to the county clerks of the several counties, in his daily paper.

UNFINISHED BUSINESS.

On motion of Mr. Lothrop,

The House resolved itself into committee of the whole on the unfinished business, being the "bill to regulate the collection of taxes for the year 1843, and for other purposes," Mr. Mottram in the chair.

After going through the same, the committee rose and reported the same back with sundry amendments, which were concurred in by the House, and the yeas and nays being taken on striking out the 20th section, the same prevailed by the following vote:

Yeas—Messrs. Anderson, Andrews, Axford, Barnard, Cady, J. L. Gage, Godfroy, Lacey, Lothrop, Littlejohn, Livermore, McCamly, McLeod, Mottram, Murray, Odis, Rice, Rix, Vaughn, Vickery, Videto, Waldron, Younglove, Spenser—24.

Nays—Messrs. Beach, Bush, Carpenter, Wm. Gage, Goodell, Goodwin, King, Moore, Patterson, Poppleton, Pratt, Purdy, Seely, Smith, Snow, Weld—16.

Mr. Johnson moved to strike out the 3d section, and the question being under discussion,

Mr. Videto moved an adjournment, which motion did not prevail.

On motion of Mr. McLeod, the House adjourned until Monday morning at 10 o'clock.

Monday, January 22, 1912.

The House met pursuant to a adjournment.

The members were present except Messrs. Carly, Hagaman and Hix on leave, and Messrs. Lawrence and Rowland.

The journal of Saturday was read and approved.

PETITIONS.

By Mr. Rix. Of the board of supervisors of St. Clair county, praying certain amendments of the laws relating to the county poor of said county. Referred to the committee on the judiciary.

By Mr. Murray. Memorial of 34 citizens of the towns of Plymouth and Canton and adjoining towns, praying the repeal of the act entitled "an act to constitute the Baptist Convention of the state of Michigan." Referred to the committee on banks and incorporations.

By Mr. Pratt. Of Jacob Sly, asking the legislature to grant him the right of purchase of certain university land therein named, and to reduce the price of the same. Referred to the committee on university and school lands, &c.

By Mr. Johnson. Of Robert Hilton, praying to be permitted to purchase certain salt spring land. Referred to same committee.

By Mr. Provost. Of inhabitants of school district number 3, in the township of Burns, county of Shiawassee, for a special law authorising the assessment and collection of a certain tax on the residents of said district for the building of a school house. Referred to the committee on education.

LEAVE OF ABSENCE.

Mr. Livermore asked for and obtained leave of absence for Mr. Lawrence until to-morrow.

Mr. Murray for Mr. Rowland, the same.

REPORTS.

Mr. Lacey from the committee on ways and means, to whom was referred the petition of sundry inhabitants of the county of St. Clair, asking the Legislature to make provision for a fit and proper person to be sent to New-York, whose business it should be to encourage the settlement of foreign emigrants in this state, and recommending Mr. Louis Rendt, of Port Huron, as said agent, have instructed the undersigned to report the same back to the House, and ask to be discharged from the further consideration of the subject.

But the undersigned would not think he had discharged his duty, if he did not call the attention of the House to the proposed measure.

The petitioners state that there are yearly a great number of emigrants arriving in the United States from Europe, and that very few of them come to reside in this state; that there are persons who, on the arrival of emigrants in New-York, take an active part in persuading them to settle in other states and territories, and who speak to them in terms of great disparagement of this state; and that on the arrival of an emigrating party in Buffalo, they are induced by the interested representation of forwarding merchants and steam-boat owners to continue their route west, to the end of navigation on the Lakes.

The undersigned believes that these statements of the petitioners are substantially true, and that the interests of the people of the state of Michigan suffer accordingly.

The undersigned believes that nothing would so speedily bring a return of what is called "good times" to this state as a rapid emigration into it of industrious and intelligent settlers. How has it been heretofore? The undersigned would not be understood to allude to the times of '35, '36 and '37, but to those far more prosperous years which preceded the era of speculation, when, in the early settlement of the country, population advanced steadily and rapidly. There was at that time no superabundance of money afloat in the world—none of the causes were in operation which are fallaciously looked to as the means of bringing "good times." But the state received steady and constant accessions to its numbers. The undersigned well remembers those days. He desires nothing so much as to see a return of them. But he has no hesitation in expressing it as his opinion that with the best directed energies of our people and our government, years and years must roll around before any sensible amelioration of our condition is felt, unless the tide of emigration is again directed to our shores.

With these views, the undersigned, for the purpose of testing the opinions of the House, will, at the proper time, move a resolution on the subject referred to.

O. P. LACEY.

And the report was accepted and the committee discharged.

Mr. Bush, from the majority of the committee on the judiciary, to whom was referred a bill introduced, on leave, by Mr. McLeod, of Mackinac, "providing for the transfer of real estate on execution, and for other purposes," which was referred to the committee of the whole and ordered to be printed, together with the substitute for said bill now lying upon the table.

Mr. Rice, pursuant to notice, obtained leave to introduce a bill to amend an act entitled "an act to provide for the assessment and collection of taxes," which was referred to the committee on ways and means.

Mr. Rice, also pursuant to notice, obtained leave to introduce a bill to amend an act entitled "an act to provide for the transfer of real estate on execution, and for other purposes," and the rule was suspended and said bill referred to the committee of the whole and ordered printed.

Mr. Carpenter, pursuant to notice, obtained leave to introduce a bill entitled "an act for punishing delinquent public officers," which was referred to the committee on the judiciary.

Mr. Lacey, pursuant to notice, obtained leave to introduce a bill to abolish the office of highway commissioners and to devolve the duties of that office on the supervisors of townships, and for other purposes, further to reduce the expenses in townships, and the rule being suspended said bill was referred to the committee of the whole and ordered to be printed.

Mr. Goodwin from the committee on ways and means, reported back the "bill entitled an act to repeal a part of section 4, chapter 1, title 5 of part 1st of the revised statutes," without amendment, and recommended its passage, and said bill was referred to the committee of the whole.

Mr. Goodwin, from the same committee, to whom was referred a resolution inquiring into the propriety of so amending our laws, relating to the assessing of property, that no person shall be assessed to pay taxes on more property than he absolutely owns free from all indebtedness or incumbrance, reported against the propriety of altering the law in the manner suggested in the resolution, and the committee were discharged from the further consideration of the subject.

Mr. Goodwin, from the same committee, to whom was referred a petition of inhabitants of the township of Lexington, for modifying the exemption law, reported the same back and asked to be discharged from the consideration of the same.

And said committee were discharged and the petition referred to the committee on the judiciary.

Mr. Pratt, from the committee on enrolment, reported the following bill, memorial and joint resolution as correctly enrolled, to wit :

"An act to provide for the transfer of certain cases from the supreme court to the court of chancery, and for other purposes."

"Memorial and resolution relative to lake harbors and the commerce of the lakes."

"Joint resolution of instruction in respect to an Indian treaty."

And that the same have this day been presented to the Governor for his signature.

NOTICE.

Mr. Littlejohn gave notice that he will at some future day ask leave to introduce "a bill to authorize the agent of the state of Indiana in a certain event to discharge the liabilities to this state of the Detroit and Pontiac Railroad company."

RESOLUTIONS.

Mr. Lacey offered the following resolution, which was laid on the table until to-morrow :

Resolved, That the committee on ways and means be instructed to report a bill to this House providing for the appointment of an emigrating agent for this state at a salary of not over \$500 per annum.

On motion of Mr. Moore,

Resolved, That a special committee of five be appointed whose duty it shall be to examine the present law for the assessment and collection of taxes, and report to this House what amendments are necessary, and to report by bill or otherwise.

Also, to report what necessary amendments are needed to the internal police for the organized townships, and to report by bill or otherwise.

And the Speaker announced as such committee, Messrs. Moore, McLeod, Johnson, Purdy and Olds.

On motion of Mr. Goodwin, amended by Mr. Lamb,

Resolved, That the committee of ways and means be and they are hereby discharged from the further consideration of any and all matters referred to them relative to the assessment and collection of taxes, and that the same be referred to the special committee on taxation.

GOVERNOR'S MESSAGE.

The Speaker announced the following message from the Governor:

EXECUTIVE OFFICE,
January 27, 1913.

To the House of Representatives:

I herewith transmit two communications from the Superintendent of Public Instruction, together with documents therein mentioned.

JNO. S. BARRY.

And said communications with the accompanying documents were referred to the committee on education.

UNFINISHED BUSINESS.

The Speaker announced the unfinished business, being the bill to regulate the collection of taxes for the year 1913, and for other purposes and the question being on the motion of Saturday to strike out the third section,

Mr. Goodwin moved to refer the bill to the select committee on the subject of the law for the assessment and collection of taxes, but giving way for the taking of the question on striking out the third Section, it was stricken out by yeas and nays as follows :

Yeas—Messrs. Anderson, Andrews, Axford, Barnard, Bash, J. L. Gage, Wm. Gage, Godfrey, Johnson, Lamb, Lothrop, Lee, Livermore, McLeod, Moore, Mottram, Murray, Oles, Poppleton, Pratt, Provost, Purdy, Rice, Rix, Schoolcraft, Seely, Snell, Snow, Vickery, Waldron, Weld, Younglove, Speaker—33

Nays—Messrs. Beach, Carpenter, Goodell, Goodwin, Howe, King, Lacey, Littlejohn, McCamly, Patterson, Smith, Vaughn, Veto—13.

The question being taken on the motion of Mr. Goodwin, the same prevailed and the bill was so ordered.

SPECIAL ORDER.

On motion of Mr. McLeod,

The House resolved itself into committee of the whole, Mr. Lamb in the chair, on the several "bills to divide the state into congressional districts and to provide for the election of representatives in congress."

After some time the committee rose and reported the Senate bill with amendments, when

Mr. McLeod moved an adjournment, which motion was lost.

The question being taken on the amendments the same were concurred in.

Mr. McLeod offered the following substitute for the whole bill :

"A bill to provide for the election of Representatives in Congress in this state.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Michigan, That at the next annual election for members of the state legislature, the citizens of this state shall elect, by general ticket, three representatives to congress, in the same manner as is now provided by law."

Mr. Waldron moved to lay the bill and substitute on the table, which motion was lost.

Mr. McLeod then calling for the yeas and nays, the substitute did not prevail, the vote standing as follows :

Yeas—Messrs. Littlejohn, Livermore, McCamly, McLeod, Moore, Olds, Patterson, Pratt, Provost, Schoolcraft, Vaughn, Vickery, Videto, Weld—14.

Nays—Messrs. Anderson, Andrews, Axtord, Barnard, Beach, Bush, Carpenter, J. L. Gage, Wm. Gage, Goodell, Godfroy, Goodwin, Howe, Johnson, King, Lacey, Lamb, Lothrop, Lee, Mottram, Murray, Poppleton, Purdy, Rice, Rix, Seely, Smith, Snell, Snow, Waldron, Younglove, Speaker—32.

Mr. Vickery having asked during the calling of the yeas and nays to be excused, the House refused.

On motion of Mr. Schoolcraft,

The House adjourned until to-morrow morning at 10 o'clock.

TUESDAY, January 24, 1843,

The House met pursuant to adjournment.

The members were present except Messrs. Hagaman and Mottram.

The journal of yesterday was read and approved.

PETITIONS.

By Mr. Livermore. Of J. T. Wilson and 33 other citizens of the county of Jackson, asking for an act to incorporate the Botanical Medical Society of the State of Michigan. Referred to the select committee on that subject.

By Mr. Beach. Of sundry inhabitants of the township of Saginaw to be set off in a separate township. Referred to committee on towns and counties.

By Mr. Lamb. Of inhabitants of township No. 8 N., of R. 10 E., in the county of Lapeer, for separate organization of township. Referred to same committee.

By Mr. Johnson. Of Charles F. Barstow and others, praying that James Bottom may have the right to purchase certain state building land. Referred to committee on university and school lands.

By Mr. Waldron. Memorial of Wray T. Palmer and others of Hillsdale county, relative to right of way. Referred to committee on the judiciary.

By Mr. Weld. Memorial of inhabitants of St. Joseph county for the relief of Joel W. Webb. Referred to same committee.

By Mr. Lawrence. Claim of Solomon Brill for labor performed upon the state prison. Referred to committee on claims.

REPORTS.

Mr. Littlejohn, from the committee on the judiciary, to whom was referred the resolution as to the expediency of prohibiting a recovery in certain actions of trespass, reported the accompanying bill, entitled "an act to prohibit the recovery of damages for trespass by cattle, &c. in certain cases," which bill was referred to the committee of the whole.

Mr. Moore, from the committee on roads and bridges, reported a bill entitled "an act to authorize Samuel H. Farnsworth to build and maintain a dam across the north branch of the Menominee river," which bill was referred to the committee of the whole.

Mr. Littlejohn, from the committee on the judiciary, to whom was referred the petition of Enoch S. Barrett and others, praying that the name of Maria E. Barrett may be changed to that of Maria Elizabeth Livermore, having considered the same, reported a bill entitled "an act to change the name of Maria E. Barrett," which was referred to the committee of the whole.

Mr. Littlejohn, from the committee on the judiciary, to whom was referred the resolution to inquire into the expediency of abolishing capital punishment, reported a bill entitled "an act to abolish capital punishment," which bill was referred to the committee of the whole.

Mr. Bush, pursuant to notice, obtained leave to introduce a bill to prevent the embezzlement of the property of deceased persons," and the rule was suspended and the same referred to the committee of the whole.

Mr. Littlejohn, pursuant to notice, obtained leave to introduce a bill entitled "an act to authorize the agent of the state of Indiana, in a certain event, to discharge the liabilities to this state, of the Detroit and Pontiac Railroad Company," which bill was referred to the committee on the judiciary.

Mr. Pratt asked and obtained leave to introduce the proposition of A. Richmond to do the bookbinding for the Legislature, which was referred to the committee of the whole when on that subject.

MESSAGE FROM THE GOVERNOR.

The Speaker announced the following message from the Governor:

EXECUTIVE OFFICE. }
 Detroit, January 24, 1843. }

To the House of Representatives.

I have in my possession, and deposited in the office of the
 clerk of the House,

"An act to amend the laws relating to the sale from the sur-
 plus of the land of the State, and for other purposes."

Also, "an act to authorize the payment of interest on the delin-
 quent tax stock of this state."

Also, "memorial and resolutions relating to lake harbors and the
 commerce of the lakes."

JOHN S. BARRY

The Speaker announced a communication from the Auditor Gen-
 eral, covering a communication from the treasurer of Monroe coun-
 ty, which was referred to the committee on the judiciary.

RESOLUTIONS.

Mr. Lacey called up his resolution of yesterday, which was
 amended on his motion, and adopted, as follows:

Resolved, That the committee of ways and means be instructed
 to inquire into the expediency of providing for the appointment of
 an emigrating agent for this state at a salary of not over \$500 per
 annum, and report by bill or otherwise.

LEAVE OF ABSENCE.

Mr. Johnson asked for and obtained leave of absence for Mr. Mot-
 tram.

UNFINISHED BUSINESS.

The Speaker announced as next in order the unfinished business of yesterday, being the Senate bill to divide the state into Congressional districts, and to provide for the election of representatives in Congress, and the third reading of the same being under consideration,

Mr. Olds moved that the word "Branch" be stricken out of the 2d district, and the same inserted in the 1st district, which motion was lost.

Mr. Waldron moved to strike but all after the word "district" in the fifth line of the preamble.

Mr. Rice moved to amend by striking out the whole preamble, which was accepted by the mover, and the preamble was stricken out.

The bill was then read a third time, when

Mr. McLeod moved to re-commit the bill, which motion was lost.

The question being taken on the passage of the bill, the same was passed.

The question being on the title of the bill,

Mr. McLeod moved to amend the same to read as follows :

"A bill to divide the state into congressional districts and to provide for the election of representatives in congress, pursuant to the act of congress, entitled 'an act to apportion representatives among the several states under the sixth census.' "

Mr. Lothrop offered a substitute, which he subsequently withdrew.

Mr. Bush moved a reconsideration of the vote taken on the passage of the bill, and the motion prevailing,

Mr. Andrews moved to lay the bill on the table, which motion was lost.

The question on its passage was taken by yeas and nays, when the vote stood as follows :

Yeas—Messrs. Anderson, Axford, Barnard, Beach, Bush, Carpenter, J. L. Gage, Wm. Gage, Goodell, Goodwin, Hixon, Howe, King, Lacey, Lamb, Lothrop, Lawrence, Lee, Murray, O’Keeffe, Poppleton, Purdy, Seely, Snell, Snow, Waldron, Younglove, Speaker—23.

Nays—Messrs. Andrews, Cady, Godfroy, Littlejohn, Livermore, McCamly, McLeod, Moore, Olds, Patterson, Pratt, Provost, Rice, Rix, Rowland, Schoolcraft, Smith, Vaughn, Videto, Weld—20.

The question being now on the title, Mr. McLeod withdrew his proposed amendment, and the title was concurred in.

GENERAL ORDER.

On motion of Mr. McLeod, the House now resolved itself into committee of the whole on the general order, Mr. Livermore in the chair.

After some time spent therein, the committee rose and reported the following entitled bills without amendment :

“A bill for the purchase of the session laws of 1840.”

“A bill to vacate the present seat of justice of the county of Hillsdale and to establish the same at the village of Hillsdale.”

On motion of Mr. Goodwin,

The rules were suspended and the first named bill was taken up by the House and passed.

On motion of Mr. Bush,

The same action was had on the second named bill, which was also passed.

And the House adjourned until 2 o’clock P. M.

AFTERNOON SESSION.

2 o'clock, P. M.

Mr. Eush took the Speaker's chair, and announcing as first in order the general order,

On motion of Mr. McLeod,

The House again resolved itself into a committee of the whole, Mr. Livermore in the chair.

After some time spent therein, the committee rose and reported the following entitled bills, with sundry amendments, and asked the concurrence of the House therein :

"A bill to reduce the number of the board of election, and for other purposes."

"A bill to amend sec. 21, chap. 2, title 3, part 1 of the revised statutes, touching bond of county treasurer. Also, sec. 20, chap. 3 title 6, part 1 of the revised statutes, relative to the account to be rendered by overseers of highways."

"A bill to incorporate the Allegan Academy."

The Speaker having resumed the chair, and the first named bill being under consideration,

Mr. Purdy moved to strike out the first section

Mr. Lacey offered a substitute for the whole bill, when,

On motion, the bill, with the proposed amendments and substitute, were referred to the select committee on the tax laws.

The second named bill being under consideration, with the amendments thereto, the same was ordered to lay upon the table and be printed.

The "bill to incorporate the Allegan Academy," being under consideration, the amendments thereto were concurred in, and

On motion, the rules were suspended and the same passed by a vote of two-thirds, as follows :

Yeas—Messrs. Anderson, Andrews, Axford, Barnard, Beach, Cady, Carpenter, J. L. Gage, Wm. Gage, Goodell, Godfroy, Hixon, Howe, King, Lamb, Lawrence, Lee, Littlejohn, Livermore, McCam-
ley, M. Leach, Moore, Murray, Olds, Patterson, Poppleton, Pratt, Pur-
dy, Rice, Rix, Rowland, Schoolcraft, Seely, Smith, Snell, Snow,
Vickery, Waldron, Younglove, Speaker—43.

Nays—Messrs. Bush, Lacey, Vaughn—3.

RESOLUTIONS.

On motion of Mr. Smith,

Resolved, That all bills hereafter placed upon the general order and referred to the committee of the whole shall be printed unless otherwise ordered.

On motion of Mr. Littlejohn,

Resolved, That the following be added to the standing rules of the House :

Persons not being members are prohibited from occupying the seats appropriated for the members of the House during its sittings ; and the Speaker shall enforce a due observance of this rule, excepting members of the Senate.

On motion of Mr. McLeod,

The bill to amend part 4, title 1, chap. 8, of the revised statutes, relative to affidavits in divorce action," was referred to the committee of the whole on bills.

On report of Mr. Brain,

That the House do take the committee of the whole on the bill, "An act to amend the act in relation to the printing of the laws."

A motion was made to amend the bill, as reported, by striking out the words "the printing of the laws" and inserting the words "the printing of the laws and the printing of the laws and the printing of the laws," and the same was stricken out by the following vote :

Yeas—Messrs. Anderson, Andrews, Barnard, Beach, J. L. Gage, Goodell, Godfroy, Goodwin, Hagaman, Hixon, King, Lamb, Lawrence, Lee, Littlejohn, Murray, Olds, Patterson, Poppleton, Purdy, Rice, Rix, Rowland, Smith, Snell, Snow, Vickery, Younglove, Speaker—29.

Nays—Messrs. Axford, Bush, Carpenter, Wm. Gage, Howe, Lacey, Livermore, McCamly, McLeod, Moore, Pratt, Provost, Schoolcraft, Seely, Vaughn, Waldron—16.

And on motion of Mr. Bush,

The further consideration of the bill was indefinitely postponed.

MESSAGE FROM THE GOVERNOR.

The Speaker announced the following message from the Governor :

EXECUTIVE OFFICE, }
Detroit, January 24, 1843. }

To the House of Representatives :

I have this day approved, signed and deposited in the office of the Secretary of State,

“Joint resolution of instruction in respect to an Indian treaty.”

JOHN S. BARRY.

And the House adjourned till to-morrow morning at 10 o'clock.

WEDNESDAY, January 25, 1843.

The House met pursuant to adjournment.

The Journal of yesterday was read and corrected.

PETITIONS.

By Mr. Pratt. Of 22 citizens of Southfield, Oakland county, asking the legislature to correct an error in section six of "an act to reduce the price of university and school lands and for other purposes," approved February 15, 1842. Referred to the committee on university and school lands.

By Mr. Hixon. Of Levi June and 33 others, from the town of Bridgewater, Washtenaw county, praying for an alteration in the constitution, by striking out the word "white," also,

By Mr. Carpenter. Of forty legal voters of the county of Wayne to the same effect, and also,

By Mr. Younglove. Of 12 citizens of Monroe to the same effect; and,

On motion of Mr. Carpenter, the same were referred to a committee of three, consisting of Messrs. Carpenter, Younglove and Lothrop.

By Mr. Provost. Remonstrance from the township of Owassa, against the alteration of a state road running through said town. Referred to the committee on roads and bridges.

By Mr. Snell. Proceedings of a mass convention of the citizens of Macomb and Oakland, together with a memorial to the legislature on the subject of the Clinton and Kalamazoo canal. Referred to the committee on internal improvement.

REPORTS.

Mr. Goodwin, from the committee of ways and means, reported a "bill in relation to the rooms and office of the secretary of state," which bill was referred to the committee of the whole.

Mr. Goodwin, from the same committee, reported a "bill for the better security of the titles of lands belonging to the state," which was referred to the committee of the whole.

Mr. Littlejohn, from the committee on the judiciary, to whom was referred the memorial of citizens of St. Joseph county for the relief of Joel G. Webb, having considered the same, would report, that in their view the same more appropriately belongs to the special committee on taxation and the internal police of townships, and request that it may take that reference, and that the committee on the judiciary may be discharged from the further consideration of the same.

The committee were accordingly discharged, and the petition referred to the select committee on tax law.

Mr. Littlejohn, from the committee on the judiciary, to whom was referred a bill to authorize the appointment of a referee, in a certain event, to discharge the mortgages to this state of the Detroit and Pontiac railroad company, reported the same back to the House without amendment and recommended its passage.

Mr. Littlejohn, from the committee on the judiciary, to whom was referred the memorial of Wray T. Palmer and others of Cass county, relative to the right of way, &c., in connection with the same and believing that it more appropriately belongs to the committee on internal improvements, reported the same back to the House, and may take that reference, and that the committee on the judiciary may be discharged from the further consideration of the same.

And the committee were discharged, and the said memorial referred to the committee on internal improvement.

RESOLUTIONS.

On motion of Mr. Purdy,

Resolved, That when the House adjourns it will adjourn to meet at 10 o'clock to-morrow morning.

Mr. Goodwin laid the following joint resolutions upon the table :

Resolved by the Senate and House of Representatives of the State of Michigan, That each member of the federal compact possesses all the attributes of sovereignty not thereby conceded to the government of the U. S., and that the reciprocal rights and duties of each are to be measured by such cessions and their resulting consequences.

Resolved, That in the use of the powers belonging to each, a strict construction and addition of each shall be so that no collision may arise to mar the harmony of the system.

Resolved, That it is alike the duty and the right of each of the states to elect members to Congress, and that while they do so, a resort to the concession made only to enable the general government to save itself from dissolution, cannot be had, and if had is unconstitutional and void.

Resolved, That this state has always maintained its faith to the federal union in this respect, by electing members to congress, and that the alternative, by resorting to the concession made, would be a violation of the faith of the compact, and would be a breach of the constitution.

That the constitution of the federal compact is the federal system, requiring the states to elect members of congress by districts. If the same were not imperative in its very terms, is an unjustifiable assumption of power not granted to congress by the true intent and meaning of the constitution.

Resolved, That in the exercise of all its powers the state of Michigan is a sovereign and independent state, and that any attempt to coerce her into any measure, is an invasion of that sovereignty to which she will never submit.

Resolved, That our senators in congress be instructed and our representative requested to submit the foregoing resolutions to congress, and use their best exertions to obtain an unconditional repeal of the law to which they relate.

On motion of Mr. Bush,

Resolved, That the committee on taxation be requested to examine the present law for the collection of taxes and the transfer of real estate on execution, which said last named law was approved subsequent to the tax law, and declares that "no real estate shall be advertised or sold by any sheriff or other officer," and inquire in this House whether the expense of advertising said land is not an illegal charge, and whether land can be sold for taxes under the present law or is not subject to the provisions of the appraisement law.

GENERAL ORDER.

The House then resolved itself into committee of the whole on the general order, Mr. Videto in the chair.

After going through the following entitled and numbered bills, the committee rose and reported the same back to the House:

1. Senate "bill in relation to the fire department and firemen of incorporated cities and villages of this state," with amendments.
2. A "bill entitled an act to change the name of Mariah E. Barrett and William McFetridge," with amendments.
3. A bill entitled "an act authorizing Wm. W. Bliss, administrator, &c., of Hervey Bliss, deceased, to convey certain real estate," with amendments.
4. A bill entitled "an act to authorize Royal C. Ripley to build a dam across the Cass river in the county of Tuscola," with amendments.
5. Senate "bill to provide for the disposition of certain prisoners therein named," without amendment.
6. A bill entitled "an act to provide for laying out certain state roads," in which they reported progress and asked leave to sit again

7. A "bill to reduce the compensation allowed to associate judges of the circuit court," with amendments.

And said bills being under consideration by the House,

The House concurred in all the amendments of the committee except the striking out of sections 2 and 6, and refusing to strike out section six. the yeas and nays were called on striking out section second, when the House refused by the following vote :

Yeas—Messrs. Axford, Barnard, Bush, Cady, J. L. Gage, Wm. Gage, Goodwin, Hixon, Lacey, Lawrence, Lee, McCamly, McLeod, Moore, Murray, Rix, Rowland, Schoolcraft, Seely, Smith, Snell, Vickery, Videto—23.

Nays—Messrs. Anderson, Andrews, Beach, Carpenter, Goodell, Hagaman, Howe, Lamb, Littlejohn, Livermore, Mottram, Olds, Patterson, Poppleton, Pratt, Provost, Purdy, Rice, Snow, Vaughn, Waldron, Weld, Younglove, Speaker—24.

And the said bill was ordered to a third reading.

2. The amendments to the second bill were concurred in and the bill ordered to a third reading.

3. The amendments to the third enumerated bill were concurred in, and the same was ordered to be engrossed for a third reading.

4. This bill was, on motion, laid upon the table.

6. On this bill the committee were granted leave to sit again.

7. The amendments to the seventh bill were concurred in, when Mr. Lamb moved to strike out all after the enacting clause, but

On motion of Mr. Rice,

The bill was laid upon the table.

MESSAGE FROM THE SENATE.

The Speaker announced the following message from the Senate:

SENATE CHAMBER, }
January 25, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return “the bill to divide the state into congressional districts and to provide for the election of representatives in congress,” and to respectfully inform the House that the Senate have non-concurred in the first amendment made thereto by the House, and have concurred in the second amendment made by the House.

JAS. F. PLATT,
Sec’y of Senate.

And Mr. Bush moved to recede from the first amendment of the House to said bill, and the question being taken by yeas and nays, the House refused to recede by the following vote :

Yeas—Messrs. Axford, Barnard, Beach, Bush, Cady, Carpenter, J. L. Gage, Wm. Gage, Hagaman, Lee, Murray, Olds, Poppleton, Purdy, Seely, Snell, Snow, Speaker—18.

Nays—Messrs. Anderson, Andrews, Goodell, Godfroy, Goodwin, Hixon, Howe, King, Lamb, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, Patterson, Pratt, Provost, Rice, Rix, Rowland, Schoolcraft, Smith, Vaughn, Vickery, Videto, Waldron, Weld, Younglove—29.

On motion of Mr. Goodwin,

Resolved, That the House do insist on their said amendment, and that a committee of conference be appointed.

Whereupon the Speaker announced Messrs. Goodwin, Bush and Axford.

Mr. Goodwin asked and obtained leave to be excused from serving on the committee, when

The Speaker announced Mr. Littlejohn to supply the vacancy.

Mr. Littlejohn asked to be excused, but the House declined doing so.

The Speaker announced the following message from the Senate :

SENATE CHAMBER, }
Jan. 25, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return the “bill for the purchase of the session laws of 1840,” and respectfully inform the House that the Senate have passed the same.

JAS. E. PLATT,
Sec’y of Senate.

and said bill was ordered to be enrolled.

And the House adjourned till to-morrow morning, at 10 o’clock.

THURSDAY, January 26, 1843.

The House met pursuant to adjournment.

The journal of yesterday was read and approved.

PETITIONS.

By Mr. Smith. Of 34 of the inhabitants of Ingham county, for a law suspending the November term of the circuit court of said county. Referred to the committee on the judiciary.

By Mr. Axford. Of citizens of Macomb and Oakland counties, relative to the Clinton and Kalamazoo canal. Referred to the committee on internal improvement.

By Mr. Lacey. Of legal voters of the county of Berrien, for an alteration of the constitution relative to the word "white." Referred to a select committee.

By Mr. Lamb. Of 91 voters of Lapeer county, asking that a wagon road be constructed on the line of the northern railroad. Laid on the table.

By Mr. Cady. Of inhabitants of Macomb and Oakland counties, concerning the Clinton and Kalamazoo canal. Referred to the committee on internal improvement.

By Mr. Cady. Of Jno. Stockton and 128 others, relative to the Clinton and Kalamazoo canal. Referred to the committee on internal improvement.

By Mr. Younglove. Of 230 citizens of Monroe county, for repeal of tax laws of 1842, and for re-enactment of the previous law with amendments. Referred to the select committee on taxation.

By Mr. Cady. Of 32 inhabitants of Orange, Macomb county, for a law to legalize the acts of road commissioners in said town. Referred to the committee on the judiciary.

By Mr. Cady. Of 67 inhabitants of Macomb county, for a state road from Jefferson avenue, in the city of Detroit, to Mt. Clemens in Macomb county. Referred to the committee on roads and bridges.

By Mr. Rice. Of sundry inhabitants of the village of Dexter, for the unconditional repeal of the "two-thirds law." Laid on the table.

By Mr. McCamly. Of citizens of Barry county, for setting off new townships. Referred to the committee on towns and counties.

By Mr. Vickery. Of 10 citizens of the southern part of Kalamazoo county, urging the propriety of applying the proceeds of the central railroad, exclusively to the extension of that road; and resolu-

tions, passed at a meeting in Schoolcraft, Kalamazoo county, on the same subject, were referred to the committee on internal improvement.

By Mr. Younglove. Claim of Lewis E. Bailey. Referred to the committee on claims.

By Mr. ——. Petition of 57 citizens of Oakland county, relative to a repeal of the exception law. Laid on the table.

By Mr. Pratt. Of 25 citizens of Oakland county, for a change in the judiciary system, that judges of the supreme court may not be connected with the circuit court. Referred to the committee on the judiciary.

REPORTS.

Mr. Littlejohn from the committee on the judiciary reported adverse to the resolution referred to them, upon the expediency of repealing the laws limiting the rates of interest, &c.; also, adverse to resolution upon the expediency of amending the statute relative to bail in criminal actions, so that the property of the bail shall be holden from the date of the recognizance; also adverse to the amendment of the justices removing restriction as to amount of costs to be taxed by the justice, in actions of assumpsit; also adverse to the expediency of providing by law for the recording of all official bonds; from the further consideration of all which several matters the committee ask to be discharged.

And said report was accepted and the committee were discharged.

Mr. Littlejohn from the committee on the judiciary, to whom was referred "the petition of the board of supervisors of the county of St. Clair, praying certain amendments of the laws relating to the county poor of said county," having considered the same reported a "bill to provide for restoring the distinction between township poor and county poor in certain cases," which bill was referred to the committee of the whole and ordered to be printed.

Mr. Littlejohn, from the committee on the judiciary, to whom was referred the resolution of enquiry, as to the expediency of amending the 17th section, part 2, title 3, chapter 1 of the revised statutes, by striking out all after the word "provided," in said section, so as to give effect to the 15th section of said chapter, reported thereon "a bill to amend the revised statutes, and to supply certain omissions therein," which bill was referred to the committee of the whole and ordered to be printed.

Said committee having also had under consideration a resolution as to amending part first, title fourth, chapter first, section 35 of the revised statutes, so as to give power to the township boards to make temporary appointments of constables, reported thereon by same bill.

Mr. Littlejohn, from the committee on the judiciary, to whom was referred the communication of the auditor general, with the accompanying memorial, having considered the same, reported a bill entitled "an act regulating notices for delinquent tax judgments," which was referred to the committee of the whole and ordered to be printed.

Mr. Goodwin, from the committee of ways and means, asked that the committee be discharged from the consideration of the following matters and that the same be referred to the committee on taxation:

1st. A resolution relative to the tax laws of 1842.

2d. Several petitions in relation to parts of the tax laws of 1842.

And the same were referred to the committee on taxation.

Mr. Bush, from the committee on banks and incorporations to whom was referred the petitions of sundry inhabitants of Lenawee and Wayne counties, praying for the repeal of the act incorporating the Baptist Convention of the state of Michigan, have had the same under consideration, and instructed me, as their chairman, to report adverse to the prayer of the petitioners, and ask to be discharged from the further consideration of the subject.

And the committee were discharged accordingly.

MESSAGE FROM THE SENATE.

The Speaker announced the following message from the Senate :

SENATE CHAMBER. }
Thursday, January 26, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return to the House “a bill to vacate the present seat of justice of the county of Hillsdale and to establish the same at the village of Hillsdale,” and to respectfully inform the House that the Senate have passed the same.

JAS. E. PLATT,
Sec’y of Senate.

And said bill was ordered to be enrolled.

RESOLUTIONS.

Mr. Purdy offered the following resolution which did not prevail :
Resolved, That the committee of ways and means be instructed to present a bill to this House providing for the collection of delinquent taxes of 1837, '38 and '39, now remaining unpaid in the auditor general's office.

Mr. Bush called up his joint resolution on the subject of adjournment, and the same being considered did not prevail.

Mr. Patterson offered the following joint resolution, and the rule was suspended and the same referred to the committee of the whole :

Resolved by the Senate and House of Representatives of the state of Michigan, That the State Treasurer be, and he is hereby instructed to contract with Ellis and Briggs, for doing the following printing for the state, for the year 1843, at the following rates, to wit : For printing the journals of the two houses, thirty-two cents per one thousand ems for composition, and thirty-three cents per token for press-work ; for printing documents, twenty-three and a half cents per thousand ems for composition, and twenty-five cents per token for press-work ; for printing session laws, at the rate of twenty-four cents per one thousand ems for composition, and twenty-five cents per token for press-work ; for printing Senate bills, twenty-two cents per one thousand ems for composition, and twenty-five cents per token for press-work ; for printing House bills, twenty-two cents per one thousand ems for composition, and twenty-five cents per token for press work. The printing to be done according to the terms of certain joint resolutions approved January 16, 1843. The State Treasurer is further required to contract with Zadock Volland, for doing the binding for the state, at the following prices, to wit : For binding the session laws of 1843, twelve cents per copy, and for binding the journals and documents of the legislature for the year 1843, twenty-eight cents per copy : the work to be done in the same manner the same work was done last year, and to take good and sufficient security for the faithful performance of all of the above specified work.

BILLS PASSED.

The Senate "bill in relation to the fire department and firemen of the incorporated cities and villages of this state," being read a third time was passed with amendments.

The bill entitled "an act authorizing Wm. W. Bliss, administrator of, &c., of Hervey Bliss, deceased, to convey certain real estate," was read a third time and passed.

The bill entitled "an act to authorize Royal C. Ripley to erect a dam across the Cass river in the county of Tuscola," was read a third time and passed.

GENERAL ORDER.

On motion of Mr. Rice,

The House went into committee of the whole on the general order, Mr. Goodwin in the chair.

After sometime spent thereon, and going through the following entitled and named bills, the committee rose and reported :

1. A "bill entitled an act to prohibit the recovery of damages for trespass by cattle, &c., in certain cases," without amendment.

2. A "bill entitled an act to authorize Samuel H. Farnsworth to build and maintain a dam across the north branch of the Menominee river," without amendment.

3. A "bill entitled an act to abolish capital punishment," without amendment.

4. A "bill to prevent the embezzlement of the property of deceased persons," without amendment.

5. A "bill entitled an act to repeal a part of sec. 4, chap. 1, title 5 of part first of the revised statutes," with an amendment.

6. Senate "bill to amend an act entitled 'an act to exempt certain property from execution or sale, for any debt, damages, fine or amercement,' approved February 16th, 1842," reporting progress.

7. A "bill in relation to office and rooms of Secretary of State," with an amendment.

8. "Joint resolutions proposing an amendment to the constitution," with amendments.

And the House adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

2 o'clock P. M.

The House having the bills reported by the committee of the whole under consideration, they were acted upon in the following order :

1. This bill was, on motion of Mr. Lacey, laid upon the table.
2. Ordered engrossed for a third reading.
3. Laid on the table.
4. The same.
5. The same and be printed.
6. The same and be printed.
7. Amendments adopted.

Mr. Lamb moved to strike out all after the enacting clause, which motion was lost, and the bill ordered to be engrossed for a third reading.

8. Referred back to the committee of the whole.

RESOLUTIONS.

On motion of Mr. Littlejohn,

Resolved, That the committee on printing be instructed, whenever bills are ordered printed, to procure the printing thereof over night and furnished to the clerk and members at the opening of each morning session.

COMMITTEE OF THE WHOLE.

The House now resolved itself into committee of the whole, on

the joint resolutions relative to printing, Mr. Schoolcraft in the chair.

After sometime spent thereon the committee rose and reported the same back without amendment.

The resolution being under consideration by the House,

On motion of Mr. Vickery, the same was amended by adding :

“And if said Ellis & Briggs fail to perform said contract or any part thereof, it shall be optional with the said treasurer to avoid and to re-let it : Provided, however, That the said Ellis & Briggs and their sureties shall be liable on their bond for all damages that may accrue by reason of the breach on the part of said Ellis and Briggs of said contract.”

The same was laid upon the table and ordered printed by the following vote :

Yeas—Messrs. Anderson, Andrews, Axford, Beach, J. L. Gage, Wm. Gage, Goodell, Howe, King, Lamb, Lee, Littlejohn, Livermore, McCurdy, Motimon, Pratt, Purdy, Rice, Schoolcraft, Seely, Smith, Vaughn, Vinton, Weld—24.

Nays—Messrs. Barnard, Bush, Carpenter, Goodwin, Hagaman, Hixon, Lacey, Lawrence, Murray, Patterson, Poppleton, Provost, Rix, Rowland, Smith, Vickery, Waldron, Younglove, Speaker—20.

Mr. Goodwin called up his joint resolutions with respect to the act of congress in relation to congressional elections by district tickets.

Mr. Lacey moved to add to them the declaration of independence, but subsequently withdrew his motion.

Mr. Vickery moved to strike out the third resolution, which was lost.

Mr. Waldron to amend by inserting “upon grounds of expediency.” Lost.

Mr. Lamb to strike out the word “never,” and insert “no longer.” Lost.

Mr. Lamb to lay the resolution on the table.

Mr. Vickery offered the following substitute which did not prevail :

Whereas, the congress of the United States, by the passage of a law at its last annual session, entitled "an act for the apportionment of representatives among the several states according to the sixth census," by the provisions of which, the legislature of the several states are required to provide for the election of members of congress in single districts: And whereas, the legislature of this state, has, at no time heretofore, refused, neglected, or from any cause, been unable to provide for the election of, nor have the people, at any time, refused or neglected to elect representatives in congress: And whereas, it is the deliberate judgment of this legislature, that, under such circumstances, congress does not, of its own inherent power, possess the right to require of any state such concurrent legislative action as said law contemplates: But whereas, it is, nevertheless, the opinion of this legislature, that the election of members of congress in single districts, designated by legislative enactment, in pursuance of the free volition of state authority, is consonant with the spirit and genius of our, &c.

And the resolution was ordered to be engrossed for a third reading.

Mr. Eush submitted the following joint resolution, and the rule was suspended and the same adopted by yeas and nays:

Resolved by the Senate and House of Representatives of the State of Michigan, That this legislature will adjourn sine die on Tuesday the 21st day of February next.

Yeas—Messrs. Anderson, Andrews, Axford, Barnard, Beach, Eush, Cady, Goodell, Nixon, King, Lamb, Lawrence, Lee, Olds, Poppleton, Pratt, Provost, Purdy, Rice, Rix, Rowland, Schoolcraft, Seely, Smith, Small, Vickery, Viero, Speaker—28.

Nays—Messrs. Carpenter, J. L. Gage, Wm. Gage, Goodwin, Hagan, Lacey, Littlejohn, Livermore, McCauley, Mottram, Murray, Patterson, Vaughn, Waldron, Weld, Younglove—16.

Mr. Wm. Gage moved a reconsideration of the vote laying the resolutions with regard to printing on the table and ordering them to be printed.

And the motion prevailing the same was taken up by the House, but during the pendency of the same the House adjourned.

FRIDAY, January 27, 1843.

The House met pursuant to adjournment.

The Journal of yesterday was read and corrected.

PETITIONS.

By Mr. Videto. Of Hiram Thompson, for the passage of a law authorizing him to convey certain lands therein named. Referred to committee on judiciary.

By Mr. Rix. Of inhabitants of St. Clair county, for the removal of the seat of justice of said county. Referred to the committee on towns and counties.

By Mr. Cady. Of Richard Butler and others, relative to Clinton and Kalamazoo canal. Referred to committee on internal improvement.

By Mr. Cady. Of John Tucker and others, relative to Clinton and Kalamazoo canal. Referred to committee on internal improvement.

By Mr. Cady. Of E. L. Goodwin and others, relative to Clinton and Kalamazoo canal. Referred to committee on internal improvement.

By Mr. Cady. Of H. Shaw and others, relative to appropriation on Clinton and Kalamazoo canal. Referred to committee on internal improvement.

By Mr. Cady. Of Isaac Hall and others, relative to Clinton and Kalamazoo canal. Referred to committee on internal improvement.

By Mr. Rowland. Of 89 citizens of Wayne county, for the re-

peal or amendment of the act to exempt certain property from execution, approved Feb. 16, 1842. Laid on the table.

By Mr. Rowland. Of 248 citizens of Wayne county, for a division of said county. Referred to committee on towns and counties.

By Mr. Lamb. Correspondence of Thomas Clark and A. Bryant, relative to the census of scholars between the ages of five and seventeen, authorized to be taken by the school law of 1840, page 212. Referred to committee on education.

By Mr. Lamb. Of 231 citizens of Lapeer county, asking that the western tier of townships in said county, be set off from Lapeer and attached to Genesee county, for reasons therein set forth. Referred to committee on towns and counties.

REPORTS.

Mr. Valeto, from the joint committee appointed to examine and report the condition of the public treasury, made a report in detail, which was laid on the table and ordered to be printed.

Mr. Goodwin, from the committee on ways and means, to whom was referred the report of the Auditor General in relation to the taxes of 1838, reported: That they have examined the subject in committee with the whole subject of tax collections, and in relation thereto, they desire to make one or two suggestions, and desire that they may be referred to the tax committee, in order that the necessary remedy may be embraced in their action on the tax laws.

The first consideration is this: that in whatever place or manner the taxes may be collected, there should be an ordeal through which they should pass, and by which their previous irregularities should be fully tested, and all taxes stricken out that have any irregularity in them that would vitiate the tax title.

Of these ordeals still to be had, from the examinations of Auditor General's before us, the first of the year, and the law of last session is the examination of the courts and the tax judgments.

If it be intended hereafter to collect through the Auditor General, his powers and duties should be more fully defined by law. If the county treasurers are to collect, either the system of the last law or some other should be kept up for examining the taxes, and when such examination has been had, it should be *prima facie* evidence of the correctness of the previous proceedings. Without some such provision all confidence in tax titles, it is believed will soon be lost.

One other consideration we desire to present, and that is, that the Auditor General or county treasurer having charge of land sales, be expressly authorized to withhold from sale for taxes, any lands, where he discovers after the examination aforesaid, that the title to such lands would be bad.

The want of such express provision has led the people of several counties to believe that no taxes of this character could be charged back to them.

Such is one of the cases alluded to in the subject matter before the committee in relation to which they only remark, that it seems to them absurd that the Auditor General should have the power of charging back taxes to the counties with interest and costs after sale, and not have the same power to do so before sale, and thus save the delay and costs.

The revenue of the state will be deeply embarrassed as long as these doubts hang over the subject; for the Auditor General cannot collect these taxes—and the counties refuse to reassess them, and in the mean time the collection is held in obedience, either of judicial decisions or legislative action, and as a necessary consequence the treasury is unable to meet the wants of the government.

And the committee were discharged and the reference made to the committee on taxation.

The Speaker announced a communication from the Secretary of State, covering an abstract of the reports of the Superintendents of the poor of the different counties of the state, which was ordered to be printed.

Mr. Pratt, from the committee on enrollment, reported correctly enrolled "an act for the purchase of the session laws of 1840," and that the same was this day presented to the Governor for his signature.

NOTICES.

Mr. Videto gave notice that he will at an early day ask leave to introduce a bill to authorize the superintendent of public instruction to give a certificate of sale of a part of tract of land heretofore sold to Justice H. Cole.

Mr. Lothrop gave notice that on some future day he shall ask leave to bring in a bill to amend the Kalamazoo fire mutual insurance company.

BILLS PASSED.

The following entitled bills were read a third time and passed :

"A bill to change the name of Maria E. Barrett and William Mc-Petridge."

"A bill to authorize Royal C. Ripley to build a dam across the Cass river in the county of Tuscola."

The "joint resolutions relative to the law of congress requiring the states to elect members of congress by districts," being under consideration,

Mr. Bush moved to refer the same to the committee on ways and means, with instructions to strike out the sixth resolution, which motion prevailed.

UNFINISHED BUSINESS.

The joint resolution in relation to the public printing being taken up,

Mr. Smith proposed to amend the same by striking out the word "twelve," in the fifteenth line, and inserting "ten," and the word "eight" in the seventeenth line, and inserting "three."

Mr. Patterson moved to strike out all that part relative to the binding, which motion was lost.

Mr. Waldron moved to strike out the name of Zadock Vollum, and insert A. Richmond.

Mr. Littlejohn moved that the resolution be committed to the committee on printing, and that they be instructed to ascertain and report to this House the price at which the public printing and binding can be properly and promptly performed without loss to the contractor,

Which motion did not prevail.

The question, being taken on Mr. Smith's motion, the same prevailed.

Mr. Smith moved to strike out the word "following," in the third line, and to strike out all after the word "writ," in the 4th line, to the period after the word "work," in the 12th line, and insert "22 cents per 1000 ems for composition, and 25 cents per token for press work,"

Which motion did not prevail.

Mr. McLeod moved to strike out Ellis and Briggs, and insert Shelton McKnight, which motion did not prevail.

A motion to lay the resolution upon the table was lost.

On motion of Mr. Rowland, amended by Mr. Littlejohn,

Resolved, That the resolution be committed to the committee on printing, and that they be instructed to ascertain and report to the House the lowest bid they have received for doing the public printing and binding.

MESSAGE FROM THE GOVERNOR.

The Speaker announced the following message from the Governor:

EXECUTIVE OFFICE, }
Detroit, January 27, 1840. }

To the House of Representatives :

I have this day approved, signed and deposited in the office of the Secretary of State,

"An act for the purchase of the session laws of 1840."

JOHN S. BARRY

GENERAL ORDER.

The House then resolved itself into committee of the whole, on the general order, Mr. Lacey in the chair.

After going through the following entitled and numbered bills, the committee rose and reported on,

1. A bill to provide for the transfer of real estate on execution, and for other purposes, reported progress and asked leave to sit again.
2. A bill to abolish the office of highway commissioner and devolve the duties of said office on the supervisors of townships and for other purposes; further to reduce the expenses in townships,—reported progress and asked leave to sit again.
3. A bill to amend an act entitled "an act to provide for the transfer of real estate on execution, and for other purposes," approved February 17, 1842,—reported progress and asked leave to sit again.
4. A bill for the better security of the titles of lands belonging to the state, without amendment.
5. A bill to authorize the agent of the state of Indiana, in a certain event, to discharge the liabilities to this state of the Detroit and Pontiac railroad company, without amendment.

6. A bill to amend the revised statutes, and to supply certain omissions therein, without amendment.

7. A bill regulating notices for delinquent tax judgment, without amendment.

And the House adjourned until 2 o'clock P. M.

AFTERNOON SESSION.

2 o'clock, P. M.

A quorum being present, the Speaker announced the report of the committee of the whole, and the following action was had on the several bills:

On No. 1, the committee had leave to sit again.

On No. 2, the same.

On No. 3, the same.

On No. 4, on considering this bill,

Mr. Littlejohn moved a call of the House, which motion prevailing, there were absent, Messrs. Andrews, Axford, Bush, Johnson, King, Lamb, Lawrence, Lee, McCamly, Mottram, O'Keeffe, Provost, Rice, Weld and Younglove.

Mr. Littlejohn moved that the sergeant-at-arms be directed to bring in the absentees.

Mr. Lacey moved to suspend further proceedings under the call, which motion did not prevail.

Mr. Lothrop obtained leave of absence for Mr. Johnson.

Mr. Littlejohn's motion was then put and carried.

Members coming in and taking their seats,

On motion of Mr. Littlejohn,

Further proceedings under the call were suspended.

On motion of Mr. Goodwin,

Said bill was ~~there~~ amended by striking out from first line of sec

3, the word "are," and inserting "have been or may hereafter be," and the rule was suspended and the bill passed.

5. This bill was passed without amendment, the rule being suspended.

6. On motion of Mr. Lacey,

This bill was amended by inserting the word "supervisor," after the word "constable," wherever it occurred, and the rules being suspended, the same was passed.

7. Mr. Lamb offered an amendment to this bill, and;

On motion of Mr. Littlejohn,

The bill and amendment were laid upon the table.

Mr. Lacey called up for consideration the bill to repeal a part of section 4, chapter 1, title 5 of part first of the revised statutes, and

Mr. Hagaman offered the following substitute :

SEC. 1. Be it enacted by the Senate and House of Representatives, That the following property shall be exempt from taxation, viz :

1st. All property of the United States and of this state.

2d. All the public or corporate property of the several counties, cities, townships, villages and school districts, in this state.

3d. All the personal property of all literary, benevolent, charitable and scientific institutions incorporated within this state, and such real estate belonging to such institutions as shall actually be occupied by them, or by the officers of said institutions for the purposes for which they were incorporated.

4th. One bed, bedding and bedstead to every two persons in the family, provisions necessary for the family six months, all wearing apparel of the family, one table, six chairs, all knives, forks, cups, saucers and other table furniture, all spinning wheels and weaving looms not exceeding fifty dollars in value, all bibles and school books, and in the family the necessary cooking utensils not to exceed in value, twenty dollars, the necessary stoves put up for use in the dwelling house of any family.

5th. All tools necessary to enable a farmer or mechanic to carry on his trade or business not exceeding fifty dollars in value.

6th. All mules; horses, swine and neat cattle less than one year old, and all sheep.

7th. All houses of religious worship and the pews and furniture within the same ; and all tombs and rights of burial.

8th. The estate of Indians.

9th. And all buildings not exceeding the value of one hundred dollars.

SEC. 2. All acts and parts of acts contravening the provisions of this act are hereby repealed.

On motion of Mr. Vickery,

The bill and substitute were laid upon the table.

A motion to adjourn was lost.

Mr. Lacey called up the bill to prohibit the recovery of damages for trespass by cattle, &c. in certain cases, and offered an additional section thereto, which was adopted, and

On motion of Mr. Lothrop, the bill was laid upon the table.

On motion of Mr. Mottram,

Resolved, That when this house adjourn, it will adjourn to meet to-mo-row morning, and each morning thereafter at 9 o'clock, till otherwise ordered, and that it will hold but one session a day.

The Speaker announced a communication from Ed. D. Ellis, which was read and referred to the committee on printing.

The Speaker also announced the report of the state geologist relative to the state salt springs, which was ordered to be printed.

Mr. Patterson asked and obtained leave to be discharged from the committee on printing, and

The Speaker announced Mr. Lothrop to fill the vacancy.

And the House adjourned to to-morrow morning at 9 o'clock.

SATURDAY, January 23, 1913.

The House met pursuant to adjournment.

The members present except Mr. Poppleton.

The Journal of yesterday was read and corrected.

PETITIONS.

By Mr. Pratt. Claim of Benj. Irish for services and expenses in apprehending certain prisoners. Referred to special committee consisting of Messrs. Pratt, Geowin and Howe.

By Mr. ———. Memorial of John Silk, for relief in consequence of injuries received on the Southern railroad. Referred to committee on claims.

By Mr. Cady. Of D. C. Walker and others, relative to Clinton and Kalamazoo Canal. Referred to committee on internal improvements.

By Mr. Cady. Of E. Calkins and others, relative to Clinton and Kalamazoo Canal. Referred to committee on internal improvements.

By Mr. Cady. Of A. Price and others, relative to Clinton and Kalamazoo canal. Referred to committee on internal improvements.

By Mr. Snell. Of citizens of Oakland and Macomb counties, relative to Clinton and Kalamazoo canal. Referred to committee on internal improvements.

By Mr. Snell. Of citizens of Oakland and Macomb counties, relative to Clinton and Kalamazoo canal. Referred to committee on internal improvements.

By Mr. Snell. Of citizens of Oakland and Macomb counties, relative to Clinton and Kalamazoo canal. Referred to committee on internal improvements.

By Mr. Axford. Of 40 citizens of Macomb and Oakland counties, for an appropriation on the Clinton and Kalamazoo canal. Referred to committee on internal improvements.

By Mr. Axford. Of 63 inhabitants of Macomb and Oakland counties, for an appropriation on the Clinton and Kalamazoo canal. Referred to committee on internal improvements.

By Mr. Axford. Of citizens of the counties of Oakland and Macomb, relative to Clinton and Kalamazoo canal. Referred to committee on internal improvements.

By Mr. Wallron. Of 140 contractors and laborers on the Southern railroad, asking for legislation on the subject of Auditor General's warrants. Referred to committee on ways and means.

By Mr. ———. Claim of H. Gilbert for printing. Referred to committee on claims.

By Mr. Schoolcraft. Claim of H. N. Strong, for services in investigation of the five million loan. Referred to committee on claims.

REPORTS.

Mr. Goodwin, from the committee of ways and means, reported back the joint resolutions relative to the law of congress requiring the states to elect members of congress by districts, and the same was laid on the table.

Mr. Littlejohn, from the committee on the judiciary, to whom was referred the bill for punishing defaulting public officers, having considered the same, would report it back to the House, with a recommendation that it do not pass, believing as they do, that the entire ground of the bill is covered by the 4th section of an act to provide for the withdrawal of treasury notes, and for other purposes, approved Feb. 10, 1842, (page 25, session laws of 1842.) The commit-

tee therefore ask to be discharged from the farther consideration of the matter.

And the committee were discharged and the bill laid upon the table.

Mr. Howe, from the committee on agriculture and manufactures, to whom was referred a bill relative to drains and ditches, having had the same under consideration, have instructed me, as their chairman, to report the same back to the House, with the opinion that the existing enactments on that subject are sufficient, and they recommend that the same do not pass, and ask to be discharged from further consideration of the subject.

And the committee were discharged, and the bill laid on the table.

Mr. Littlejohn, from the committee on the judiciary, to whom was referred the petition of sundry inhabitants of the township of Orange, in the county of Macomb, praying for the passage of an act to legalize the acts of highway commissioners in said town, have considered said petition with an anxious desire to afford the petitioners the relief they ask, but feel compelled to report adverse to said petition, for the reason that upon the facts presented, the committee believe that no act of the legislature would give any additional legality to the acts of said highway commissioners, when those acts are submitted for adjudication in a court of justice. The committee therefore ask to be discharged from the further consideration of the subject.

And the committee were discharged accordingly.

Mr. Lamb, pursuant to notice, introduced a bill to authorize the construction of a way or road on the line of the northern rail road, which bill was referred to the committee on internal improvements.

NOTICE.

Mr. Bush gave notice that he will, at some future day, ask leave to introduce a bill authorising the attorney general to sell and transfer certain public works, (therein named,) belonging to the state.

RESOLUTION.

Mr. Lamb submitted the following preamble and resolution:

Whereas, this legislature has heretofore ordered the committee on printing to advertise for and receive proposals for doing the printing to this state, with the understanding that the same was to be given to the lowest bidder : And whereas, said committee have reported to this House that Ellis and Briggs have made the lowest bid : And whereas, good faith should always be observed on the part of this state toward all her citizens ; therefore,

Resolved, That the treasurer of this state be, and he is hereby authorized and instructed, to contract with Ellis and Briggs for the performance of the printing for this House, at the rates mentioned in their proposition to the committee on printing.

Mr. Purdy moved the indefinite postponement of the same, which motion prevailed.

LEAVE OF ABSENCE.

Mr. Pratt asked for and obtained leave of absence for Mr. Poppleton until Tuesday.

Mr. Littlejohn called up the joint resolutions relative to the law of congress requiring the states to elect members of congress by districts, and the same being under consideration,

Mr. Waldron called for the yeas and nays.

Messrs. Lothrop, Mottram and McLeod, severally asked to be ex-

cused, and the question being taken the House declined excusing them, when

On motion of Mr. Goodwin, the resolutions were referred to the select committee on that subject.

UNFINISHED BUSINESS.

The Speaker announced as first in order, the bill to abolish capital punishment.

Mr. Anderson moved to strike out all after the enacting clause, and the same being under consideration until the hour of adjournment,

On motion of Mr. Vickery, the bill was laid on the table.

MESSAGES FROM THE SENATE.

SENATE CHAMBER. }
Saturday, January 28, 1848. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return the bill to change the name of Maria E. Barret and William McPetridge, with certain amendments, in which they respectfully ask the concurrence of the House.

Also, to return the bill relating to the fire department and firemen of the incorporated cities or villages of this state, with the House amendments thereto, and to respectfully inform the House that the Senate have concurred therein with an amendment to sec. 8, in which they respectfully ask the concurrence of the House.

JAS. E. PLATT,

Sec'y of Senate.

And said amendments were concurred in by the House.

SENATE CHAMBER. }
Friday, January 27, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to respectfully inform the House that Senators Howell, Wakefield and Greenly, have been appointed on the part of the Senate as a committee of conference on the disagreement between the two Houses in relation to the first amendment made by the House to the bill to divide the state into congressional districts and to provide for the election of representatives in congress.

JAS. E. PLATT,
Sec'y of Senate.

Mr. Bush moved that the vote on the passage of the bill to authorize the agent of the state of Indiana to discharge the liabilities to this state of the Detroit and Pontiac railroad company, be reconsidered, and the bill and motion was laid on the table.

Mr. Barnard, from the committee on education, asked and obtained leave to make the following report, which with the bill was ordered to be printed.

Your committee have had under consideration so much of the Governor's message as relates to primary schools, and other papers relating to the same subject. They have examined our present school system, compared it with the system of other and older states, and finding it wanting in many important features, which are necessary and essential to an energetic and efficient system of education. They hold it to be the duty of every free government to provide the means for the moral and intellectual improvement of all its subjects. The constitution of this state makes it the imperative

duty of the legislature to provide those means, and make them accessible to all. Your committee believe that direct taxation to a limited extent must form the basis of any school system, not supported entirely by a fund, if you would make it uniform in its action, and universal in its application. With view to a revision of the laws, in obedience to the suggestions of the Executive, the demand of the people, and their own conviction of its imperious necessity, your committee have instructed me, as their chairman, to report the accompanying bill. The committee embrace this opportunity to testify their obligation to our able superintendent of public instruction for many valuable and important suggestions in relation to the details of this bill.

E. BARNARD,

Chairman Committee on Education.

And the House adjourned until Monday morning at 9 o'clock.

MONDAY, January 30, 1849.

The House met pursuant to adjournment.

Messrs. Lamb and Murray were absent, and Mr. Poppleton on leave.

Mr. Rowland asked for and obtained leave of absence for Mr. Murray until to-morrow.

Mr. Provost for Mr. Lamb the same.

PETITIONS.

By Mr. Mottram. Of Otis Preston and others Praying for the passage of a law authorizing the appointment of a supreme court com-

missioner, to reside in the county of St. Joseph. Referred to the committee on the judiciary.

By Mr. Johnson. Of George M. Barber and others, that the act of 1842, relating to the division of the town of Ottawa be repealed.

By Mr. Smith. Of the legal voters of Ingham county for the necessary legislative action to amend the second article of the constitution, by striking out the word white. Referred to the select committee on that subject.

By Mr. Goodwin. Of Joseph Heminway and others, in relation to a state road. Referred to committee on roads and bridges.

By Mr. Waldron. Claim of Henry D. Sewall. Referred to committee on claims.

By Mr. Vickery. Claim of Hozekiah G. Wells. Referred to committee on claims.

REPORTS.

Mr. Littlejohn, from the committee on enrollment and engrossment, reported the following entitled bills as correctly engrossed :

"A bill in relation to the rooms and office of the secretary of state."

"A bill to authorize Samuel H. Farnsworth to build and maintain a dam across the north branch of the Menominee river."

And said bills were read a third time and passed.

Mr. Lothrop, from the committee of internal improvement, to whom was referred the petition of Wray Palmer and others, of Hillsdale county, and Caleb Eastman, James McKee and others of Jackson county, praying for further legislative interposition for the determination of damages occasioned by the construction of the works of internal improvement of this state, have had the same under consideration, and ask leave to report.

The committee, after a full consideration, have come to the full determination that it would not be now expedient, or that the end of justice demand the repeal of the joint resolution of the last legislature, forbidding appeals to be taken from the board of appraisers to the

circuit court of the county, but your committee are fully impressed with the belief that if the present law be so amended as to give the board of internal improvement the right to revise the decisions of the board of appraisers, they believe that there would not be one case in a thousand where an individual would obtain less than he would have been willing to have released the right of way to the state, before the work was permanently located, and in all cases, substantial justice will be done in the premises, without the accumulation of unnecessary costs to either party.

For the reasons heretofore set forth, the committee ask leave to introduce a bill entitled "an act for the regulation of internal improvement, passed March 25, 1840."

Mr. Littlejohn, from the committee on the judiciary, to whom was referred the memorial of Hiram Thompson, of the county of Jackson, praying for the passage of an act authorizing him to convey certain real estate, having examined said memorial and the accompanying affidavit, would report that the act sought would in their opinion be one of doubtful validity, and the power to sell, thus conferred, would be very questionable. The court of chancery can readily afford the relief sought, if the equivocal nature of the transaction should not there also defeat the application. The committee therefore report adverse to the prayer of the memorialist and ask to be discharged from the further consideration of the matter.

And the committee were discharged accordingly.

UNFINISHED BUSINESS.

The Speaker announced as first on the order of unfinished business, the "bill to abolish capital punishment."

Mr. Rowland moved that the bill be laid upon the table, which motion did not prevail.

A call of the House being had, there were four members absent, when,

On motion of Mr. Moore, further proceedings under the call were dispensed with.

The question being taken by yeas and nays, on the motion of Mr. Anderson, to strike out all after the enacting clause, the same was lost, by the following vote :

Yeas—Messrs. Anderson, Hixon, McLeod, Provost, Purdy, Rowland, Smith, Snow, Vickery, Waldron, Weld, Younglove, Speaker—13

Nays—Messrs. Andrews, Axford, Barnard, Bush, Cady, Carpenter, J. L. Gage, Wm. Gage, Goodell, Godfroy, Goodwin, Hagaman, Howe, Johnson, King, Lacey, Lothrop, Lawrence, Lee, Littlejohn, Livermore, McCamly, Moore, Mottram, Patterson, Pratt, Rice, Rix, Schoolcraft, Seely, Snell, Vaughn, Videto—33.

Mr. Patterson moved to lay the bill on the table, which motion was lost.

On motion of Mr. Lothrop, the word "solitary," was inserted after the word "imprisonment."

And the bill was ordered to be engrossed for a third reading.

Mr. Smith called up the "bill _____" and the House concurred in the amendments of the committee of the whole, and,

On motion of Mr. Smith, further amended the same by attaching to the first section the following proviso :

"Provided this act shall not affect the notice to be given in any county where six weeks time does not elapse between the tenth day of January and the sitting of the court."

And the bill was ordered to be engrossed for a third reading.

Mr. Bush called up his resolution to reconsider the vote on the passage of the "bill to authorize the agent of the state of Indiana to discharge the liabilities to this state of the Detroit and Pontiac railroad company," and the same being under consideration, the motion to reconsider was lost on division, 20 to 21.

Mr. Purdy called up the "bill to amend section 21, chapter 3, title 3, part 1, of the revised statute, (page 42,) touching bond of county

treasurer; also to amend section 20, chapter 3, title 6, part 1, (page 119) of said statutes, relative to the account to be rendered by overseers of highways," which was ordered to be engrossed for a third reading.

The "bill to provide for the disposition of prisoners in certain cases therein mentioned," being under consideration, the same was amended on motion of Mr. Littlejohn, by adding,

"Sec. —. It shall be the duty of the sheriff of any county in which a criminal has been sentenced to state prison forthwith to convey him to said prison;"

When, on motion of Mr. Goodwin, the bill was recommitted to the committee on the judiciary.

The "bill regulating notices for delinquent tax judgment," being called up, the same with the amendments thereto was ordered to be printed.

GENERAL ORDER.

The House resolved itself into committee of the whole on the general order, Mr. Smith in the chair.

After going through the following entitled and numbered bills, the committee rose and reported the same back to the House :

1. A "bill to provide for restoring the distinction between township poor and county poor in certain cases," without amendment.

2. A "bill to amend an act entitled 'an act to exempt certain property from execution or sale for any debt, damages, fine or amercement,' approved February 16, 1842," with amendments.

The first named bill being under consideration, the amendments were concurred in, and,

On motion of Mr. Littlejohn, the rules were suspended and the bill passed.

No. 2. The amendments to this bill were concurred in, and

Mr. Bush moved to strike out all after the first section, which was lost by yeas and nays as follows :

Yeas—Messrs. Axford, Barnard, Bush, Goodell, Godfroy, Hagaman, King, Lee, McLeod, Olds, Pratt, Provost, Rice, Rowland, Smith, Snell, Waldron, Weld—18.

Nays—Messrs. Anderson, Andrews, Beach, Cady, Carpenter, J. L. Gage, Wm. Gage, Goodwin, Hixon, Howe, Johnson, Lacey, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, Moore, O’Keeffe, Patterson, Purdy, Rix, Schoolcraft, Seely, Vaughn, Vickery, Videto, Younglove, Speaker—29.

Mr. Bush then moved to strike out all after the 6th section, and calling for the yeas and nays, the same was lost :

Yeas—Messrs. Axford, Barnard, Bush, Wm. Gage, Goodell, Godfroy, Hagaman, Lee, McLeod, Pratt, Provost, Rice, Rowland, Smith, Snell, Waldron, Weld, Speaker—18.

Nays—Messrs. Anderson, Andrews, Beach, Cady, Carpenter, J. L. Gage, Goodwin, Hixon, Howe, Johnson, King, Lacey, Lothrop, Lawrence, Littlejohn, McCamly, Moore, O’Keeffe, Olds, Patterson, Purdy, Rix, Schoolcraft, Seely, Vaughn, Vickery, Videto, Younglove—28.

Mr. Bush now moved to further amend by striking out all but the first and eighth sections, which motion was lost on division.

Mr. McLeod moved to strike out the word “debtor,” in the fourth line of the sixth section, and insert “creditor,” which was also lost on division.

Mr. Pratt moved to strike out the 10th section, which was lost by yeas and nays :

Yeas—Messrs. Axford, Barnard, Bush, Cady, Wm. Gage, Godfroy, Hagaman, Lothrop, Lee, Livermore, McLeod, Moore, Pratt, Provost, Rice, Rix, Rowland, Snell, Vickery, Waldron, Weld—21.

Nays—Messrs. Anderson, Andrews, Beach, Carpenter, J. L. Gage, Goodell, Goodwin, Hixon, Howe, Johnson, King, Lacey, Lawrence, Littlejohn, McCamly, O’Keeffe, Olds, Patterson, Purdy, Schoolcraft, Seely, Vaughn, Videto, Younglove, Speaker—25.

Mr. Bush offered the following to read as

Sec. 11. The provisions of this amendatory act (excepting the first section) shall not apply to any execution issued for the collection of any debt heretofore contracted.

Mr. Axford called for the yeas and nays.

Mr. Hagaman moved a substitute for Mr. Bush's motion to be added as an amendment to section ten, as follows :

Provided that the provisions of this section shall not apply to any contracts made previous to the passage of this act.

The substitute was received, and the question being on its adoption, it prevailed by the following vote :

Yeas—Messrs. Axford, Barnard, Bush, Cady, Wm. Gage, Goodell, Godfroy, Goodwin, Hagaman, Johnson, King, Lothrop, Livermore, McCamly, McLeod, Moore, Pratt, Provost, Rice, Rowland, Schoolcraft, Smith, Snell, Vickery, Videto, Waldron, Weld, Younglove—28.

Nays—Messrs. Anderson, Andrews, Beach, Carpenter, J. L. Gage, Lea, Hixon, Howe, Lacey, Littlejohn, O'Keeffe, Olds, Patterson, Purdy, R. R. Seely, Vaughn, Speaker—18.

Mr. McLeod moved for an adjournment, and his motion prevailing,

The House adjourned till to-morrow morning, at 9 o'clock.

TUESDAY, January 31, 1843.

The House met pursuant to adjournment.

The members present except Mr. Lamb, absent on leave.

PETITIONS.

By Mr. Schoolcraft. Of sundry citizens of Detroit, praying that sections 43 and 48 of chap. 1st, title 7, part 1st, (page 112) of the

revised statutes may be repealed. Referred to the committee on the judiciary.

By Mr. Lethrop. The memorial of Jonathan Lamb, of the county of Washtenaw, praying that in the event of altering the names of any of the counties of this state, that one county may bear the name of "Crawford." Referred to the committee on towns and counties.

By Mr. Smith. Of inhabitants of the county of Eaton, asking for the organization of a certain township. Same reference.

By Mr. Johnson. Of 60 citizens of the village of Grand Rapids, praying that the act of 1833, incorporating said village, may be unconditionally repealed. Referred to committee on banks and incorporations.

By Mr. Axford. Of sundry citizens of the counties of Oakland and Macomb, concerning the Clinton and Kalamazoo canal. Referred to committee on internal improvement.

By Mr. Axford. Of Caleb Wilbur and 25 others of the township of Washington, Macomb county, for an alteration in the present school law. Referred to committee on education.

By Mr. Livermore. Claim of Harmon and Cook, for labor performed on the state prison. Referred to committee on education.

REPORTS

Mr. Johnson, from the committee on university, school and state lands, to whom was referred the petition of 121 citizens of Oakland county, praying for a reduction of the price of university land, and also that certain persons therein named, may be permitted to purchase the same, have had the same under consideration, and report, that in the opinion of said committee, the prayer of said petitioners ought not to be granted. The committee ask to be discharged from the further consideration of the petition.

And the committee were discharged accordingly.

Mr. Moore, from the select committee on taxation and the inter

and police of counties, to whom was referred the memorial of H. N. Monson, treasurer of the county of St. Clair, in relation to certain unpaid taxes of said county for the years 1836, 1837, 1838, 1839 and 1840, would respectfully submit the following statement of facts, and the opinion of your committee thereon, to the House :

The memorial avers, that, from certain irregularities of but little moment, and in no wise affecting the rights of individuals, the taxes returned from the county of St. Clair have been rejected by the auditor general and charged back to said county ; wherefore he prays for the passage of an act to collect the taxes on the lands which of right should pay them, notwithstanding the irregularities complained of. No data have been furnished to your committee by which they may judge of the nature or degree of the irregularities adverted to ; nor is the statement of the memorialist substantiated by any testimony of verified by his own affidavit. It further appears, from the report of the auditor general, given in obedience to the requirements of the House, that the taxes returned from said county for the year 1838, and remaining unpaid on the 24th of July last, were rejected for the following reasons :

1st. From the absence of an equalization and comparison of the assessment rolls as required by the statute.

2d. That the action of the commissioners and the delivery of the warrants of collection to the collectors were not within the limitation of the session law of 1839 on that subject.

3d. That the returns required by the same act to be made to the county treasurer on or before the first Monday of August, were not received until the 16th of September, 1839 ; together with other irregularities not specified.

From these facts, your committee are of opinion that any act of a retrospective tendency, legalizing palpable infractions of a positive law, would be in the highest degree oppressive and unjust. They are therefore constrained to report adversely to the prayer of the

memorialist, and ask to be discharged from the further consideration of the subject.

And the committee were discharged from the further consideration thereof.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE,
Detroit, January 30, 1843. }

To the House of Representatives :

I have this day approved, signed and deposited in the office of the Secretary of State,

“An act to vacate the present seat of justice of the county of Hillsdale, and to establish the same at the village of Hillsdale.”

Also, “an act to change the name of Maria E. Barrett, William McFetridge and Elizabeth Gillespie.”

JOHN S. BARRY.

The Speaker announced a report from the state geologist in answer to a resolution calling for information in relation to the survey of Grand River, &c., which was referred to the committee on internal improvement, and ordered to be printed.

Mr. Videto, pursuant to notice, obtained leave to introduce a “bill to authorize the superintendent of public instruction to make out and deliver a certificate of sale of certain lands,” which was referred to the committee on the judiciary.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, }
Jan. 30, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return the “bill to authorize the agent of the state of Indiana, in a certain event, to discharge the liabilities to this state, of the Detroit and Pontiac railroad company,” and to respectfully inform the House that the Senate have non-concurred therein.

Also, to transmit a “bill in relation to the state printing,” which the Senate have passed, and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,
Sec’y of Senate.

And the “bill in relation to the state printing,” was referred to the committee of the whole.

Mr. Lothrop, from the committee on enrolment and engrossment, reported as correctly engrossed, the “bill to abolish capital punishment.”

NOTICES.

Mr. Pratt gave notice that at some future day he will ask leave to introduce a “bill to authorize the erection of a toll gate on the Detroit and Pontiac turnpike and for other purposes.”

The “bill to amend an act entitled ‘an act to exempt certain property from execution or sale for any debt, damages, fine or amercement,’ approved Feb. 16, 1842,” was taken up, and

Mr. McCamly moved a reconsideration of the vote adopting the substitute of Mr. Hagaman.

Mr. Moore called for the yeas and nays, and the motion was lost by the following vote :

Yeas—Messrs. Anderson, Andrews, Beach, Carpenter, Goodwin, Hixon, Howe, Lacey, Lawrence, Littlejohn, McCamly, O'Keefe, Patterson, Purdy, Schoolcraft, Seely, Speaker—17.

Nays—Messrs. Axford, Barnard, Bush, Cady, J. L. Gage, Wm. Gage, Goodell, Godfrey, Hagaman, King, Lothrop, Lee, Livermore, McLeod, Moore, Mottram, Murray, Olds, Pratt, Provost, Rice, Rix, Rowland, Smith, Snell, Snow, Vickery, Videto, Waldron, Weld, Younglove—31.

Mr. Lee offered the following amendment, to be added to sec. 10, to come in after the word "proviso :"

"All acts and parts of acts concurrent or inconsistent with the provisions of this section be and the same are hereby repealed."

Mr. Anderson offered the following substitute :

Sec. 10. Every person whose principal business is teaming, shall have exempt from execution or sale as aforesaid, one yoke of oxen, one yoke, necessary chains, cart or wagon, or one pair of horses or mules, harness and wagon.

The question being taken by yeas and nays, the same was adopted, as follows :

Yeas—Messrs. Anderson, Andrews, Beach, Cady, Carpenter, J. L. Gage, Goodell, Godfrey, Goodwin, Hixon, Howe, Johnson, King, Lacey, Lothrop, Lawrence, Lee, Littlejohn, Livermore, McCamly, Mottram, O'Keefe, Olds, Patterson, Purdy, Rix, Schoolcraft, Seely, Snow, Vaughn, Videto, Weld, Younglove, Speaker—34.

Nays—Messrs. Axford, Barnard, Bush, Wm. Gage, Hagaman, McLeod, Moore, Murray, Poppleton, Provost, Rice, Rowland, Smith, Snell, Vickery, Waldron—17.

Mr. Bush proposed to amend as follows :

"From and after the first day of January, 1844, all laws for the collection of debts thereafter contracted, be, and the same are hereby repealed."

Mr. Lothrop called for the previous question, being on the amendment of Mr. Pratt, and the same was adopted.

The question being then on the amendment of Mr. Bush, the same was lost by the following vote :

Yeas—Messrs. Azford, Bush, Wm. Gage, Hageman, Johnson, Lee, Livermore, Moore, Olds, Seely, Smith, Snell, Snow—18.

Nays—Messrs. Anderson, Andrews, Barnard, Beach, Cady, Carpenter, J. L. Gage, Goodell, Godfroy, Goodwin, Hixon, Howe, King, Lacey, Lothrop, Lawrence, Littlejohn, McCamly, McLeod, Monram, Murray, Patterson, Poppleton, Pratt, Provost, Purdy, Rice, Rix, Rowland, Schoolcraft, Vaughn, Vickery, Videto, Waldron, Weld, Younglove, Speaker—37.

The bill was then passed by the following vote :

Yeas—Messrs. Anderson, Andrews, Beach, Cady, Carpenter, J. L. Gage, Goodell, Godfroy, Goodwin, Hixon, Howe, Johnson, King, Lacey, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, Moore, Mottram, O'Keefe, Olds, Patterson, Provost, Purdy, Rix, Schoolcraft, Seely, Vaughn, Videto, Younglove, Speaker—33.

Nays—Messrs. Azford, Barnard, Bush, Wm. Gage, Hageman, Lee, McLeod, Murray, Poppleton, Pratt, Rice, Rowland, Smith, Snell, Snow, Vickery, Waldron, Weld—18.

The Speaker announced the engrossed "bill for the abolishment of capital punishment."

Mr. Cady moved for the reconsideration of the vote of yesterday on the insertion of the word "solitary," which motion prevailed.

Mr. Lothrop then withdrew his amendment.

On motion of Mr. Lacey,

The bill was read a second time by its title, and being under discussion until the hour of adjournment, Mr. McCamly proposed an afternoon session, and for that purpose, on his motion, the bill was laid on the table, when the Speaker announced the following

MESSAGES FROM THE SENATE.

SENATE CHAMBER, }
Jan. 31, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return the “bill in relation to the rooms and offices of the secretary of state,” and respectfully inform the House that the Senate have concurred therein.

Also, to return the “bill for the better security of the titles of lands belonging to the state,” which the Senate have passed with an amendment in which they respectfully ask the concurrence of the House:

JAS. E. PLATT,
Sec’y of Senate.

And the first named bill was ordered to be enrolled, and the amendment to the second concurred in:

SENATE CHAMBER, }
Jan. 31, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return the “bill to incorporate the Allegan Academy,” and to respectfully inform the House that the Senate have concurred therein:

JAS. E. PLATT,
Sec’y of Senate.

And the said bill was ordered to be enrolled.

And the House adjourned until 2 o’clock P. M.

AFTERNOON SESSION.

2 o'clock, P. M.

A quorum present.

Mr. Rix presented the remonstrance and petition of sundry inhabitants of St. Clair, in relation to the removal of the county seat of that county, which was referred to the committee on towns and counties.

Mr. Littlejohn, from the committee on the judiciary, to whom was committed the Senate "bill to provide for the disposition of prisoners in certain cases therein mentioned," with instructions to prepare a certain amendment thereto, reported the same back with such amendment, and the same was referred to the committee of the whole.

The "bill for abolishing capital punishment," being again under consideration, the same was passed by yeas and nays, as follows :

Yeas—Messrs. Andrews, Axford, Barnard, Beach, Bush, Cady, Carpenter, J. L. Gage, Wm. Gage, Goodell, Godfroy, Goodwin, Hagaman, Howe, Johnson, King, Lacey, Lothrop, Lawrence, Lee, Littlejohn, Livermore, McCamly, Mottram, Murray, O'Keeffe, Olds, Patterson, Poppleton, Pratt, Rice, Rix, Schoolcraft, Seely, Videto—35.

Nays—Messrs. Anderson, Hixon, McLeod, Moore, Provost, Purdy, Rowland, Smith, Snow, Vaughn, Vickery, Waldron, Weld, Younglove, Speaker—15.

Mr. Livermore, from the committee on the militia, to whom was referred that part of the Governor's message relating to the militia, obtained leave to introduce a bill for the more effectual organization and discipline of the militia;

Which bill was referred to the committee of the whole and ordered to be printed.

And the House adjourned until to-morrow morning at 9 o'clock.

WEDNESDAY, February 1, 1843.

The House met pursuant to adjournment.

The members were present except Mr. Lamb absent on leave, and Mr. Vickery.

Mr. Beach asked and obtained leave of absence for Mr. Vickery for the day.

The journal of yesterday was read and corrected.

PETITIONS.

By Mr. Goodwin. Of 231 inhabitants of Oakland county in relation to the claims of Benjamin Irish for arresting fugitives from justice. Referred to the special committee on that subject.

By Mr. Rix. Remonstrance of 178 of the inhabitants of St. Clair county against the removal of the seat of justice in said county. Referred to the committee on towns and counties.

By Mr. Rix. Of 163 inhabitants of St. Clair county asking for the division of said county. Same reference.

Memorial of Ed. D. Ellis and Wm. H. H. Briggs relative to state printing. Laid on the table.

REPORTS.

Mr. Anderson, from the committee on towns and counties, to whom was referred a bill relative to the boundary lines of townships, respectfully reported the same back to the House and recommended its passage.

Mr. Pratt, from the committee on enrolment, reported as correctly enrolled, "an act in relation to the office rooms of the secretary of state."

Also, "an act for the better security of the titles of lands belonging to the state," and that the same had been this day presented to the Governor for his signature,

Mr. Littlejohn, from the committee on the judiciary, to whom was referred the petition of sundry citizens of Detroit, praying that sections 43 and 46 of chapter first, title seventh, part first (page 142) of the revised statutes may be repealed, having examined the subject, would report thereon a bill to repeal sections 43 and 46 of chapter 1st, title 7th, part 1st of the revised statutes, which bill was referred to the committee of the whole.

Mr. Johnson, from the committee on university, school and state lands, to whom was referred the petition of Robert Hilton, praying to be permitted to purchase certain lands therein mentioned, having had the same under consideration, reported a "bill to secure a pre-emption right to the purchase of certain lands to the person therein named," which bill was referred to the committee of the whole and ordered printed.

Mr. Moore, from the committee on taxation having had under consideration a petition from the board of supervisors of the county of Lapeer for authority to assess certain taxes on the township of Bristol, reported "a bill to authorize the board of supervisors of the county of Lapeer to assess certain taxes ;"

Which bill was referred to the committee of the whole and ordered to be printed.

Mr. Moore, from the committee on taxation, to whom was referred the petition of the board of supervisors of the county of Lapeer, praying the passage of an act authorizing the board of supervisors of the county of Lapeer to reassess the tax for the year 1868, with interest and charges upon the same land against which the tax stood originally assessed.

The petitioners have furnished no data whereby the committee have been enabled to arrive at any knowledge of the facts in the case, but in referring to the law of 1839, it appears that a law was passed authorizing the assessment and collection of the tax of 1838 in the year of 1839, providing the provisions of the law was conformed to.

In referring to the auditor general's report to the House, it appearing by said report that the tax of 1838 was charged back upon the county of Lapeer, for not conforming to the law providing for the relief asked for, which facts are set forth in the affidavit of Henry W. Williams, deputy treasurer for the county of Lapeer. The committee are therefore of the opinion that to pass any law to legalize the illegal acts of their officers, or any of them, would be unjust; but report against the prayer of said petition, and ask to be discharged from the further consideration of the same.

And the committee were discharged accordingly.

Mr. Carpenter, pursuant to notice, obtained leave to report "a bill to prevent counties from becoming chargeable for the support of imprisoned debtors," which was referred to the committee on the judiciary.

Mr. Livermore, in pursuance to previous notice, obtained leave to introduce a bill to incorporate the village of Jackson, which was referred to the committee on banks and incorporations.

Mr. Johnson laid the following joint resolution on the table :

Resolved by the Senate and House of Representatives of the state of Michigan, That the auditor general, state treasurer, and secretary of state, commissioners under the act entitled "an act to provide for a settlement with the River Raisin and Lake Erie railroad company," be, and they are hereby authorized, to select a commission with full powers to examine and report to the next session of the legislature, and in case of disagreement between said commissioners and said company, or

their said agent, as to the construction of said acts, then the construction of the same shall be referred to the decision of the supreme court of the said state of Michigan, next to be holden in and for the first circuit, whose opinion shall be certified by the clerk of said court, and shall be conclusive on both parties as to the construction of said acts, and the duties of said commissioners under the same.

NOTICE.

Mr. Barnard gave notice that he will at some future day ask leave to introduce "a bill to amend section 41, chapter 1, title 4, part 1, of the revised statutes, relative to the duty of township clerk.

RESOLUTION.

On motion of Mr. Rice,

Resolved, That hereafter the regular hours of meeting of this House be ten o'clock in the morning and half-past two in the afternoon, excepting Saturday, when the House will hold but one session to commence at ten o'clock in the morning.

BILLS PASSED.

The "bill regulating notices of delinquent tax judgments," was read a third time and passed.

On motion of Mr. Bush,

The bill from the Senate in relation to state printing, was taken from the committee of the whole, when

Mr. Carpenter offered the following amendment, which was lost :

"Strike out 22 cts. composition and 25 for press work, and amend by inserting "journals, 32 cts. for composition, 33 press work ; documents 23 1-2 and 25 ; session laws 24 and 25 ; Senate bills 23 and 26 ; House bills 23 and 25."

Mr. Littlejohn offered the following amendments :

" Strike out all after enacting clause and insert : That it shall be lawful for the treasurer of this state to contract with any individual who shall offer sufficient security therefor, for doing the public printing and binding, at 22 cents per 1000 ems for composition and 23 cents per token for press work for printing, and for binding at 10 cents per copy for binding session laws, and 23 cents per copy for documents and journals.

The question being taken by yeas and nays, the same was lost :

Yeas—Messrs. Andrews, Beach, Howe, Littlejohn, Livermore, McCamiey, McLeod, Moore, Mottram, Provost, Purdy, Schoolcraft, Seely, Videto—14.

Nays—Messrs. Anderson, Axford, Barnard, Bush, Cady, Carpenter, J. L. Gage, W. Gage, Goodell, Godfroy, Goodwin, Hagaman, Hixon, Johnson, Kirg, Lacey, Lawrence, Lee, Murray, O'Keeffe, Olds, Patterson, Poppleton, Pratt, Rice, Rix, Rowland, Smith, Snell, Snow, Vaughn, Waldron, Well, Speaker—34.

The vote being then taken on the passage of the bill the same stood as follows :

Yeas—Messrs. Anderson, Axford, Barnard, Bush, Cady, Carpenter, J. L. Gage, Wm. Gage, Goodell, Godfroy, Goodwin, Hagaman, Johnson, King, Lacey, Lawrence, Murray, Olds, Patterson, Poppleton, Rice, Rix, Rowland, Smith, Snell, Snow, Vaughn, Waldron, Weld, Speaker—30.

Nays—Messrs. Andrews, Beach, Hixon, Howe, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, O'Keeffe, Pratt, Provost, Purdy, Schoolcraft, Seely, Videto—17.

On motion of Mr. Rice,

The bill in relation to primary schools was made the special order for Friday next.

On motion of Mr. Rice,

The House resolved itself into committee of the whole on the several proposed amendments to the constitution, Mr. Goodwin in the chair.

And the same being reported back and the question being on the Senate substitute for the House resolutions, the vote stood as follows:

Yeas—Messrs. Anderson, Andrews, Axford, Beach, Cady, Carpenter, J. L. Gage, Wm. Gage, Goodell, Goddard, Goodwin, Hagaman, King, Lacey, Lee, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, Murray, Patterson, Pratt, Provost, Purdy, Rix, Schoolcraft, Seely, Smith, Snell, Vaughn, Waldron—23.

Nays—Messrs. Barnard, Bush, Hixon, Howe, Olds, Poppleton, Rice, Rowland, Snow. Speaker—10.

On motion of Mr. Littlejohn,

The rules were then suspended and the Senate resolutions concurred in, by the following vote:

Yeas—Messrs. Anderson, Andrews, Barnard, Beach, Bush, Cady, Carpenter, J. L. Gage, Wm. Gage, Goodell, Goddard, Goodwin, Hagaman, Hixon, King, Lacey, Lee, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, Murray, O'Keefe, Olds, Patterson, Poppleton, Pratt, Provost, Purdy, Rice, Rix, Rowland, Schoolcraft, Seely, Smith, Snell, Snow, Vaughn, Videto, Waldron, Weld, Speaker—44.

Nays—Mr. Axford—1.

GENERAL ORDER.

On motion of Mr. Bush,

The House resolved itself into committee of the whole on the general order, Mr. Waldron in the chair.

After going through the following entitled and numbered bills, the committee rose and reported the same back:

No. 1. A bill to amend an act entitled an act for the regulation of internal improvement, passed March 25, 1849. Reported progress.

2. A bill to prevent the embezzlement and concealment of the property of deceased persons, with an amendment.

3. A bill to abolish the office of highway commissioner, and de-

volve the duties of said office on the supervisors of townships and for other purposes ; further to reduce the expenses in townships, with amendments.

The House considering No. 1, the committee had leave to sit again.

On No. 2, the amendment was concurred in, the rules suspended and the bill passed.

No. 3 was, on motion of Mr. Lacey, referred to a select committee consisting of Messrs. Lacey, Bush and Patterson.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, }
Feb. 1, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return a “bill to authorize Royal C. Ripley to build a dam across the Cass river, in the county of Tuscola,” and to respectfully inform the House that the Senate have concurred therein.

JAS. E. PLATT,
Sec’y of Senate.

And said bill was ordered to be enrolled.

Mr. O’Keeffe obtained leave, pursuant to notice, to introduce a “bill to change the name of P. J. Lee,” which was referred to the committee on the judiciary.

And the House adjourned until to-morrow morning at 10 o’clock.

THURSDAY, February 2, 1843.

The House met pursuant to adjournment.

The Journal of yesterday was read and approved.

PETITIONS.

By Mr. Axford. Of Abel Warren and six others, inhabitants of Macomb county, for a grant of certain land therein mentioned, for a site to erect a meeting house. Referred to committee on university, school and state lands.

By Mr. Snow. Of Fitch Reed and others, relative to the title of certain lands therein mentioned. Referred to the committee on the judiciary.

By Mr. Lawrence. Of Reuben Smith, of Jackson county, that his name may be altered to Henry Thornton, for reasons therein expressed. Referred to the committee on the judiciary.

By Mr. Smith. Of Pottér & Lockwood and others, asking the privilege to build a dam across Grand river, in the county of Ingham. Referred to committee on banks and incorporations.

By Mr. Videto. Claim of H. H. Mather, for articles furnished the state prison. Referred to the committee on claims.

REPORTS.

Mr. Videto, from the committee on the state prison, reported a bill to amend the several acts relative to the government and discipline of the state prison, which was referred to the committee of the whole and ordered to be printed.

Mr. Videto, also, pursuant to notice, obtained leave to introduce a bill making the record of conviction filed in the state prison office, evidence in certain cases, which bill was referred to the committee of the whole.

Mr. Livermore, from the committee to whom was referred the bill to incorporate the Berrien Bridge company, reported the same back without amendment, and,

On motion of Mr. Lacey, the bill was laid on the table.

Mr. Johnson, from the committee on university, school lands, &c. reported a bill for the relief of Hester Jones, which was referred to the committee of the whole and ordered to be printed.

Mr. Johnson, from the same committee, reported also a bill for the relief of Curtis Boughton, which met with the same reference.

Mr. Johnson obtained leave, pursuant to previous notice, to introduce a bill to organize a land office, to regulate the sale of the public lands, and for other purposes, which was referred to the committee on university and other state lands, and ordered to be printed.

NOTICES.

Mr. Carpenter gave notice that at a future day he will ask leave to introduce a bill to amend sec. 8, chap. 1, title 5, part 1 of the revised statutes, so as to define the manner of taxing the property of corporations.

Mr. Lacey gave notice that he will to-morrow ask leave to introduce a bill to expedite the business of courts of justice.

RESOLUTION.

On motion of Mr. Schoolcraft,

Resolved, that the committee on the judiciary be instructed to inquire and report to the House, whether, in their opinion, the right of

suffrage is, by the constitution, extended to half-breeds, (of Indian descent.) and if not, whether it is expedient to so amend the constitution as to give them that right.

GENERAL ORDER.

On motion of Mr. McLeod,

The House resolved itself into committee of the whole on the general order, Mr. McCamly in the chair.

After going through with the following entitled and numbered bills, the committee rose and reported the same back :

1. Senate "bill to provide for the disposition of prisoners in certain cases therein mentioned," with an amendment.

2. A "bill relative to the sale of real estate on execution, and for other purposes," reporting progress and asking leave to sit again.

No. 1. The House having the first named bill under consideration, adopted the amendments, and the rule being suspended, passed the bill.

No. 2. On the second named bill the committee were granted leave to sit again.

And the House adjourned until half past two o'clock, P. M.

AFTERNOON SESSION.

Half past 2 o'clock P. M.

REPORTS.

Mr. Pratt, from the committee on engrossment and enrolment, reported as correctly enrolled the following acts, to wit :

An act to incorporate the Allegan academy.

Also, "an act to authorise Royal C. Ripley to build a dam across the Cass river, in the county of Tuscola ;" and that the same was this day presented to the Governor for his signature.

Mr. Lothrop, from the committee on internal improvement, to whom was referred so much of the message of the Governor as relates to the subject of internal improvement, and also the report of the board of internal improvement, having had both the message and report under consideration, reported in detail, accompanied by a bill making appropriations on the Southern and Central railroads for the year 1843, and for other purposes, and the same was referred to the committee of the whole, and on motion of Mr. Goodwin, 500 copies of the report ordered to be printed.

Mr. Anderson, from the committee on towns and counties, to whom was referred "a bill to provide for the recovery of stray beasts," reported the same back with amendments, and the same was referred to the committee of the whole and ordered to be printed.

Mr. Johnson asked for and obtained leave to present a preamble and resolutions of a public meeting of the people of the Grand river district in reference to the existing tax laws, and in reference to the sale and disposition of the public lands. Referred to the select committee on taxation.

Mr. Goodwin, from the committee of ways and means, laid the following joint resolution on the table :

Resolved, by the Senate and House of Representatives of the state of Michigan, That in payment of taxes the treasury notes issued under the act of April 13, 1841, shall be receivable for the amount of tax assessed for state purposes, whether paid to the township, county or state treasurers, but not for taxes assessed for county or township purposes : Provided however, that the delinquent tax bonds issued to counties shall be receivable at the state treasury for all delinquent taxes there payable as said bonds become due.

This resolution shall take effect from and after its passage.

GENERAL ORDER.

The House again resolved itself into committee of the whole on the general order, Mr. McCauley in the chair.

After going through the "bill relative to the sale of real estate on execution, and for other purposes," rose and reported the same back with amendments.

The House having the same under consideration, the amendments were concurred in.

Mr. McLeod moved that the several bills on this subject, with the amendments, be committed to the committee on the judiciary, which motion prevailed.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE, }
Detroit, February 2, 1843. }

To the House of Representatives :

I have this day approved, signed, and deposited in the office of the secretary of state, the following acts, viz :

"An act to incorporate the Allegan academy.

"An act in relation to the office rooms of the secretary of state.

"An act for the better security of the titles of lands belonging to the state.

"An act to authorize Royal C. Ripley to build a dam across the Cass river, in the county of Tuscola."

JNO. S. BARRY.

MESSAGE FROM THE SENATE.

SENATE CHAMBER. }
Feb. 2, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return the “bill to authorize Samuel H. Farnsworth to build and maintain a dam across the north branch of the Menominee river,” and to respectfully inform the House that the Senate have concurred therein.

Also, to return the “bill to amend the revised statutes, and to supply certain omissions therein,” and to inform the House that the Senate have passed the same with an amendment, in which they respectfully ask the concurrence of the House.

Also, to transmit the following entitled bills, which the Senate have passed, and respectfully ask the concurrence of the House therein :

A “bill to amend an act entitled ‘an act appointing commissioners to lay out a certain state road in the county of Wayne,’ approved March 17, 1837.”

A “bill to amend an act entitled an ‘act to amend an act entitled ‘an act to incorporate the village of Adrian.’”

A “bill to amend an act entitled ‘an act relative to free schools in the city of Detroit.’”

Also, to inform the House that the Senate have concurred in the amendments made by the House to the “bill to amend an act entitled

'an act to exempt certain property from execution or sale for any debt, damages, fine or amercement,' approved Feb. 16, 1812," and have ordered the same to be enrolled.

JAS. E. PLATT,
Sec'y of Senate.

And the first named bill was ordered to be enrolled.

The amendment to the second named bill was concurred in, and the bill ordered to be enrolled.

The third named bill was referred to the committee on roads and bridges.

The fourth bill was referred to the committee on banks and incorporations, and

The fifth to the committee on education.

And then the House adjourned until to-morrow morning at 10 o'clock.

FRIDAY, FEBRUARY 3, 1813.

The members were present except Mr. Lamb on leave, and Mr. Johnson.

The journal of yesterday was read and approved.

Mr. Littlejohn asked for and obtained leave of absence for Mr Johnson.

Mr Wm. Gage for Mr. Goddroy, until Monday

PETITIONS.

By Mr. Carpenter. Of sundry inhabitants of the counties of Oakland and Livingston, for the organization of a new county. Referred to the committee on towns and counties.

By Mr. Rix. Of sundry inhabitants of the county of St. Clair, for the division of said county. Referred to same committee.

By Mr. Rix. Remonstrance of sundry inhabitants of the county of St. Clair against the removal of the seat of justice in said county. Same reference.

By Mr. Lacey. Of sundry citizens of St. Joseph and Royalton townships, asking for an alteration in dividing line between said townships. Same reference.

By Mr. Goodwin. A statement of E. B. Harrington, reporter of the decisions of the supreme court and court of chancery. Referred to the committee on the judiciary to determine what method of procuring reports will be best, and what means will be required.

By Mr. Cady. Of Geo. W. Patterson and 23 others in relation to the Clinton and Kalamazoo canal. Referred to the committee on internal improvement.

By the Speaker. Claim of Geo. Allen. Referred to the committee on claims.

REPORTS.

Mr. Lacey, from the select committee to whom was referred the bill to abolish the office of highway commissioner and devolve the duties of said office on the supervisors of townships and for other purposes; further to reduce expenses in townships, reported the same back to the House with amendments, and recommended its passage;

Which bill and amendments were laid upon the table and ordered to be printed.

Mr. Littlejohn, from the majority of the committee of conference on the disagreement of the two Houses on the subject of the preamble to the bill to divide the state into congressional districts, and to provide for the election of representatives to congress, reported a substitute therefor, which,

On motion of Mr. McLeod,

Was laid upon the table and ordered to be printed.

Mr. Lacey, pursuant to notice, obtained leave to introduce a bill to expedite the business of courts of justice ;

Which was referred to the committee on the judiciary.

UNFINISHED BUSINESS.

Mr. Goodwin called up his joint resolution of yesterday in relation to payments into the treasury.

Mr. Smith moved to lay the resolution on the table, which motion was lost.

The resolution was then adopted.

On motion of Mr. Lothrop,

The bill making appropriations on the central and southern rail roads for the year 1843, was made the special order of the day for Tues 'ay next.

SPECIAL ORDER.

On motion of Mr. Rice,

The House then resolved itself into committee of the whole on the special order, being the bill to establish and regulate primary schools, Mr. McLeod in the chair.

After some time spent thereon, the committee rose, reported progress, asked for and obtained leave to sit again.

MESSAGE FROM THE GOVERNOR.

The following message was announced from the Governor, which together with the accompanying communication was laid upon the table :

EXECUTIVE OFFICE, }
Detroit, February 3, 1843. }

To the House of Representatives :

I herewith transmit a communication from Charles Butler, Esq. agent for certain companies and individuals who hold a large portion of the outstanding bonds of the state. For an expression of my views upon the subject to which this communication relates, you are respectfully referred to my annual message transmitted to both branches of the legislature at the commencement of its present session.

JNO. S. BARRY.

The Speaker asked and obtained leave of absence until Monday morning,

And named Mr. Goodwin as Speaker pro tem. which was assented to by the House, and

The House adjourned until 2 o'clock, P. M.

AFTERNOON SESSION.

2 o'clock P. M.

A quorum present.

Mr. Goodwin, Speaker pro tem.

On motion of Mr. Lothrop,

The House again resolved itself into committee of the whole on the special order,

Mr. McLeod in the chair.

After some time spent thereon, the committee rose, reported progress, asked and obtained leave to sit again.

Mr. Littlejohn offered the following concurrent resolution, and the rule was suspended, and the resolution was adopted ;

Resolved, the Senate concurring, That the committee of finance in the Senate, and ways and means of the House, act as a joint committee in considering the special message of the Governor and the accompanying documents in relation to state bonds, and report accordingly.

And the House adjourned until ten o'clock to-morrow morning.

SATURDAY, February 4, 1843.

The House met pursuant to adjournment.

The members were present except Messrs. Axford, Barnard, Bush, Godfroy, Johnson, Lee, Rowland, Seely, Vaughn and Speaker ; Messrs. Godfroy, Johnson and Speaker being absent on leave.

The journal of yesterday was read and approved.

PETITIONS.

By Mr. Livermore. Of Jason B. Packard, J. W. Burchard, and 130 others, citizens of the county of Ingham, praying that a law may be enacted incorporating the botanical medical society of the state of Michigan. Referred to the select committee on that subject.

By the same. Of Jared Freeman and 53 others, of the county of Jackson, for the same purpose. Same reference.

By Mr. Littlejohn. Remonstrance of inhabitants of the city of Detroit, against the repeal of sections 43 and 46 of chap. 1, title 7, part 1, (page 142,) of the revised statutes. Laid on the table.

REPORTS.

Mr. Littlejohn, from the committee on the judiciary, to whom was referred the bill to authorize the superintendent of public instruction to alter the certificate of sale of certain lands, having considered the same, report said bill back to the House without amendment and recommend its passage.

And said bill was referred to the committee of the whole and ordered printed.

Mr. Moore, from the committee on roads and bridges, to whom was referred the Senate bill to amend an act entitled "an act appointing commissioners to lay out a certain state road in the county of Wayne," approved March 17, 1837, reported the same back without amendment, and the same was referred to the committee of the whole.

Mr. Snow, from the committee on claims, to whom was referred the hereinafter named claims, beg leave to report, that they have had the same under consideration, have duly examined all the testi-

mony that has been introduced before them to substantiate the said claims, and your committee deem the testimony insufficient to warrant them in reporting in favor of allowing the same.

Your committee therefore report :

In regard to the claim of P. Kilfoil, for the loss on state warrants, state scrip, &c., adversely.

In regard to claim of C. W. Chapel for damages sustained on a contract with the state on the Clinton and Kalamazoo canal, adversely.

In regard to the claim of J. B. Taylor for work done on the Clinton and Kalamazoo canal, adversely. The claim may be just, but your committee think the testimony insufficient to warrant them in reporting in favor of its being allowed.

In regard to the claim of Henry Gilbert for printing official canvass for representatives for Allegan and Barry counties, and also official canvass for senators in the 9th senatorial district, adversely.

In regard to the petition of John Silk, asking relief in consequence of injuries received on the Southern railroad, adversely. Your committee are of the opinion it would be establishing a bad precedent to grant the relief asked.

In regard to the claim of Parshall and Foster, for loss on state warrants, state scrip, and post notes, adversely.

In regard to the claim of Daniel Thurston, for damages sustained in consequence of the state having erected a dam upon his land cutting him off from the travelled road, &c., adversely.

In regard to the claim of Charles W. Millard, for work done on the Clinton and Kalamazoo canal, adversely.

In regard to the claim of James Q. Adams, for railroad cars, adversely. The majority of the committee are of the opinion that there is no justice in the claim.

In regard to the claim of Lewis E. Bailey, for a horse lost in the memorable Toledo war, adversely.

Your committee ask to be discharged from the further consideration of the above claims, and move that the claimants have leave to withdraw their papers.

Mr. Moore, from the select committee on taxation, reported back the bill to regulate the tax sales for the year 1843, with a substitute, which was ordered to be printed.

Mr. Moore, from the committee on roads and bridges to whom was referred the petitions of sundry inhabitants from the county of Macomb, praying that a state road may be laid out, commencing at the termination of Jefferson avenue, in the city of Detroit, to Mount Clemens, reported the following entitled bill :

A "bill to lay out and establish a certain state road therein named."

Mr. McCamly, from the select committee on the subject of the practice of botanic physicians, made a report thereon, which was ordered printed together with a bill accompanying the same.

Mr. Hagaman moved that so much of the report of the committee on claims as relates to the petition of John Silk, be referred to a special committee, which motion was lost.

RESOLUTION.

On motion of Mr. Lacey, amended by several members, it was

Resolved, That the committee on internal improvement be instructed to inquire into the expediency of authorizing the board of internal improvement to let contracts to a limited extent upon the Sault Ste Marie, and also upon the various navigable rivers of the state where there are unexpended balances of existing appropriations; and also upon the Northern railroad and Cass river.

In the course of the discussion of the above resolution,

Mr. Smith moved to lay the subject on the table, which motion was lost, by yeas and nays, as follows :

Yeas—Messrs. Carpenter, Goodell, Hagaman, Hixon, King, Murray, O'Keeffe, Olds, Poppleton, Pratt, Rice, Smith, Snell, Snow, Vickery, Waldron, Younglove—17.

Nays—Messrs. Anderson, Andrews, Beach, J. L. Gage, William Gage, Goodwin, Lacey, Lamb, Littlejohn, Livermore, McLeod, Mottram, Patterson, Provost, Purdy, Rix, Schoolcraft, Videto, Weld—20.

LEAVE OF ABSENCE.

Mr. Olds asked for and obtained leave of absence for Mr. Seely until Tuesday.

Mr. Pratt for Messrs. Lee, Bush and Barnard, the same.

Mr. Moore for Mr. Howe until Monday.

On motion of Mr. Anderson, chairman of the committee, Mr. Livermore was appointed an additional member on towns and counties in place of Mr. Axford, absent.

NOTICES.

Mr. Snow gave notice that he would ask leave at an early day to introduce a bill to amend part 1st, title 7, chap. 6, sec. 3 of the revised statutes, relative to interest on money, and to repeal sec. 4, 5 and 7, of the same.

Mr. McLeod gave notice that at an early day he would ask leave to introduce a bill to set off the present counties of Mackinac and Chippewa into six counties.

Mr. McLeod presented the claim of J. Ford in relation to a certain bond of the state of Michigan, which,

On his motion, was referred to a select committee consisting of Messrs. McLeod, Lamb, and Wm. Gage.

Mr. McCamly, from the committee on Physic and Surgery, reported a "bill to repeal the provisions contained in chapter 2, title 8,

part 1 of the revised statutes, and for other purposes," which was referred to the committee of the whole and ordered printed.

Mr. Purdy moved an adjournment, which was lost.

On motion of Mr. Littlejohn,

The House resolved itself into committee of the whole on the "bill in relation to the establishment of primary schools," Mr. McLeod in the chair ;

And after some time spent thereon, the committee rose, reported progress, and asked and obtained leave to sit again.

On motion of Mr. McLeod,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of so amending sec. 15, chap. 3, title 1, part 4 of the revised statutes, relative to the crime of rape, so as to make the punishment discretionary with the court.

And the House adjourned until Monday morning at 10 o'clock.

MONDAY, February 6, 1843.

The House met pursuant to adjournment.

The journal of Saturday was read and approved.

PETITIONS.

By Mr. Rix. Of 82 inhabitants of the county of St. Clair to construct a wagon road on the line of the northern railroad. Referred to the committee on roads and bridges.

My Mr. Littlejohn. Claim of A. E. Hathon. Referred to committee on claims.

By Mr. Waldron. Memorial of citizens of Hudson, Lenawee county.

REPORTS.

Mr. Pratt, from the committee on engrossment and enrolment, reported correctly enrolled the following acts, viz :

"An act to authorize Samuel H. Farnsworth to build and maintain a dam across the north branch of the Menomonie river."

Also, "An act to amend section 17, chapter 1, title 3, part 2d of the revised statutes in relation to wills, and also sec. 35, chapter 1, title 4, part 1st of the revised statutes in relation to vacancies in town offices," and that the same was this day presented to the Governor for his signature.

SPECIAL ORDER.

On motion of Mr. Goodwin,

The House resolved itself into committee of the whole on the special order, being the "bill establishing primary schools," Mr. McLeod in the chair.

After going through the bill, the committee rose, and reported the same back with amendments, and,

On motion of Mr. Lothrop,

The several amendments were concurred in, and on his motion, amended by Mr. Goodwin, to the following effect :

That the snail bill be recommitted to the committee on education with instructions :

1st. That all taxes imposed by this act shall not exceed two mills on the dollar for any one year, excepting for school houses.

2d. That school house taxes and all other taxes imposed by this act shall be made up by the supervisor and included in the annual tax list, and collected as other taxes, and paid over for the purposes for which they are raised.

And the motion prevailed and the bill with the amendments were recommitted accordingly.

And the House adjourned until half past two o'clock, P. M.

AFTERNOON SESSION.

Half-past 2 o'clock, P. M.

A quorum present.

Mr. McLeod gave notice that he would ask leave to-morrow, to introduce a bill to change the name of the township of Mackinac into the township of Holmes.

Mr. Goodwin presented the remonstrance of 243 citizens of Calhoun and Branch counties, against the alteration of a certain state road, in and through Burlington township, which was referred to the committee on roads and bridges.

GENERAL ORDER.

On motion of Mr. McLeod,

The House resolved itself into committee of the whole on the general order, Mr. Snow in the chair.

After going through the following numbered and entitled bills, the committee rose and reported the same back:

No. 23. "A bill relative to the boundary lines of townships," with amendments.

No. 24. "A bill to provide for laying out certain state roads," with amendments.

No. 30. "A bill to amend the several acts relative to the government and discipline of the state prison," with amendments.

No. 34. "A bill concerning stray beasts," with amendments.

No. 25 being under consideration, the amendments were concurred in,

And on motion of Mr. Lothrop, the bill was laid upon the table.

No. 28. Amendments concurred in and the bill was further amended, on motion of Mr. Goodell, by striking out Flat Rock and inserting Brownstown ; and,

On motion of Mr. McLood, by inserting instead of the word "newspaper," "posting up notices in the counties of Mackinac and Chippewa," when,

On motion of Mr. Goodwin,

The bill was recommitted to the committee on roads and bridges.

No. 30, being under consideration, was,

On motion of Mr. Goodwin,

Recommitted to the select committee on state prison.

No. 34. For this bill, Mr. Goodwin offered the following substitute, to come in after the enacting clause :

"That no notice of stray beasts, other than horses, shall be hereafter required, and that the revised statutes, pages 216 and 217, be amended accordingly."

And on his motion, the bill and substitute were committed to the gentleman reporting the original bill.

And the House adjourned until ten o'clock to-morrow morning.

TUESDAY, February 7, 1843.

The House met pursuant to adjournment.

The journal of yesterday was read and approved.

PETITIONS.

By Mr. Livermore. Of Elisha Clark and 26 others, citizens of the county of Jackson, praying the passage of a law incorporating the botanic medical society of the state of Michigan. Laid on the table.

By Mr. Hagaman. Of Augustus Finney and 27 others in relation to a school district in the township of Hudson, county of Lenawee. Referred to the committee on the judiciary.

By Mr. Lee. Remonstrance of sundry citizens against the repeal of part 1, title 7, chap. 1, sections 43 and 45 of revised statutes, authorizing the inspection of fish in this state. Laid on the table.

By Mr. Waldron. Of township officers and other citizens of Somerset, Hillsdale county, relative to that portion of the Chicago road in said town. Referred to the committee on roads and bridges.

By Mr. McCamly. Of citizens of Calhoun county, for a continuation of the Central railroad. Laid on the table.

By Mr. ———. Claim of John McDonald. Referred to committee on claims.

REPORTS.

Mr. Lotthrop, from the committee on internal improvement, to whom was referred the "bill to authorize the construction of a way or road on the line of the Northern railroad," reported the same back without amendment.

And the same was referred to the committee of the whole and ordered to be printed.

MESSAGE FROM THE SENATE.

The Speaker announced the following message from the Senate :

SENATE CHAMBER, }
Feb. 5, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to respectfully inform the House that the Senate have concurred in the report of the committee of conference on the disagreement of the two Houses on the preamble to the "bill to divide the state into congressional districts, and to provide for the election of representatives to congress," and have adopted the substitute.

Also, to return the "concurrent resolution on the message of the Governor of the date of Feb. 3, 1843," and to respectfully inform the House that the Senate have concurred therein.

JAS. E. PLATT,
Sec'y of Senate.

Mr. Rice laid the following joint resolutions on the table :

Joint resolution relative to interest on warrants drawn on the internal improvement fund.

Resolved, by the Senate and House of Representatives of the state of Michigan, That the state treasurer be, and he is hereby authorized and required to pay the interest on all warrants now drawn, or that may be hereafter drawn on the internal improvement fund, annually, from the net proceeds of the Central and Southern railroads, until the warrants shall be paid.

Joint resolution authorizing the board of internal improvement to purchase railroad iron and spike.

Resolved by the Senate and House of Representatives of the state of Michigan, That the board of internal improvement be, and they are hereby authorized and empowered, on the part of the state, to pledge the net proceeds of the Central and Southern railroads to an amount not exceeding one hundred and ten thousand dollars, for the purchase of and payment for iron and spike and the transportation thereon, to iron the Central railroad to Marshall and the Southern to Hillsdale : Provided, that no contract shall be made in pursuance of the above authority, which shall conflict with the present existing laws or their operation, relative to treasury notes, or the joint resolution relative to the payment of interest on warrants drawn or to be drawn on the internal improvement fund.

Mr. McLeod, pursuant to notice, obtained leave to introduce a bill to alter the name of the township of Mackinac, which was referred to the committee on towns and counties.

RESOLUTIONS.

On motion of Mr. Lacey,

Resolved, That the committee on roads and bridges be instructed to inquire whether a certain state road from Niles to Kalamazoo, authorized by an act of the legislature passed in 1838, has not in part been discontinued by operation of law; and if so, to inquire into the expediency of re-establishing the same, and report by bill or otherwise.

SPECIAL ORDER.

On motion of Mr. Lothrop,

The consideration of the special order of the day, being the bill making appropriations on the Central and Southern railroads for the year A. D. 1843, and for other purposes, was deferred until the afternoon session.

Mr. Lacey called up the bill to incorporate the Berrien bridge company, which was amended on motion of Messrs. Goodwin and Littlejohn, in respect to tolls, and ordered engrossed for a third reading by the following vote:

Yeas—Messrs. Anderson, Andrews, Axford, Barnard, Beach, Cady, Carpenter, J. L. Gage, Wm. Gage, Godroy, Hagaman, Lacey, Lothrop, Lawrence, Lee, Littlejohn, McLeod, Murray, O'Keeffe, Olds, Poppleton, Pratt, Provost, Purdy, Rice, Rix, Rowland, Schoolcraft, Seely, Snell, Snow, Vaughn, Vickery, Videto, Waldron—35.

Nays—Messrs. Bush, Goodell, Goodwin, Hixon, Howe, King, Lamb, Livermore, Mottram, Weld, Younglove, Speaker—12.

Mr. Hagaman called up the "bill to repeal a part of sec. 4, chap. 1, title 5, of part first of the revised statutes," and the same, together with the substitute offered by him being under consideration, they

were, on his motion, referred to a select committee consisting of Messrs. Hagaman, Vickery, and Goodell.

Mr. Bush called up the report of the committee on the "preamble to the bill to divide the state into congressional districts, and to provide for the election of representatives to congress," and the reported substitute being under consideration,

On motion of Mr. Goodwin,

The House non-concurred in the same, and Messrs. Goodwin, Rice and McLeod were appointed a committee of conference on the disagreement.

Mr. Lacey called up the "bill to reduce expenses in townships," and the House resolved itself into committee of the whole thereon, Mr. Livermore in the chair.

After some time spent thereon, the committee rose, reported progress, and asked and obtained leave to sit again.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, }
Feb. 7, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to respectfully inform the House that Senators Wakefield, Bradley and Cust, have been appointed a committee of conference on the part of the Senate, on the disagreement of the two houses on the report of the committee of conference on the "preamble to the bill to divide the state into congressional districts, and to provide for the election of representatives to congress."

JAS. E. PLATT,
Sec'y of Senate.

SENATE CHAMBER.

Feb. 7, 1843.

}

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return the “joint resolution in relation to payments to the treasury,” and to respectfully inform the House that the Senate have concurred therein.

Also, to transmit a “joint resolution relative to claim of Robert Patrick and James E. Brown,” which the Senate have adopted, and respectfully ask the concurrence of the House therein.

JAS. E. PLATT.

Sec’y of Senate.

And the first named resolution was ordered to be enrolled, and the second referred to the committee on the judiciary.

And the House adjourned until half past two o’clock P. M.

AFTERNOON SESSION.

Half past 2 o’clock P. M.

A quorum present.

Mr. Moore, from the select committee on taxation, reported a “bill to provide for the assessment and collection of taxes,” which was referred to the committee of the whole and ordered to be printed.

Mr. Lothrop, from the committee on internal improvement, reported supplementary to their general report, accompanying the same

with a "bill to provide for the preservation and completion of the Clinton and Kalamazoo canal between the villages of Rochester and Frederick," and the report and bill were referred to the committee of the whole, and ordered to be printed.

SPECIAL ORDER.

The House having reached the special order, resolved themselves into committee of the whole, Mr. Livermore in the chair.

After some time spent thereon, the committee rose, reported progress, asked and obtained leave to sit again.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE, }
Detroit, February 7, 1843. }

To the House of Representatives :

I have this day approved, signed and deposited in the office of the secretary of state,

"An act to amend section seventeen, chapter one, title three of part second of the revised statutes in relation to wills ; and, also, section thirty-five, chapter one, title four, part first of the revised statutes, in relation to vacancies in town officers."

JNO. S. BARRY.

And the House then adjourned until to-morrow morning, at 10 o'clock.

WEDNESDAY, February 8, 1843.

The House met pursuant to adjournment.

The journal of yesterday was read and approved.

PETITIONS.

By Mr. Snow. Claim of F. C. Beaman against the state for articles furnished the supreme court. Referred to the committee on claims.

By Mr. Rice. Of J. Millerd of Dexter, for the passage of an act authorizing him to erect a dam across the Huron river. Referred to the committee on roads and bridges.

REPORTS.

Mr. Anderson, from the committee on towns and counties, to whom was referred several petitions praying the legislature to remove the seat of justice in the county of St. Clair; also several petitions for the division of the said county, have had the same under consideration, and report adversely to the prayer of the petitioners and respectfully asked to be discharged from the further consideration of the subject.

And the committee were discharged accordingly.

Mr. Barnard, presented a report of the board of education of the city of Detroit, which was referred to the committee on education and ordered to be printed.

Mr. Rice, from the committee on education, to whom was refer-

red the Senate bill to amend an act entitled "an act relative to free schools in the city of Detroit," reported the same back without amendment, and the bill was referred to the committee of the whole.

Mr. Rice from the committee on education, to whom was referred the petition of Caleb Wilber and 25 others of the township of Washington, Macomb county, for an alteration of the present school law, reported adverse to the prayer of the petitioners, and the committee were discharged from the further consideration of the same.

Mr. Pratt from the committee on engrossment and enrolment, reported as correctly enrolled, "a joint resolution in relation to payments to the treasury," and that the same was this day presented to the Governor for his signature.

Mr. Bush from the committee on banks and incorporations, to whom was referred the bill to incorporate the village of Jackson, reported the same back, and it was referred to the committee of the whole and ordered to be printed.

On motion of Mr. Goodwin,

The message of the Governor with accompanying documents on the subject of the five million loan, was taken from the table and referred to the committee on ways and means.

BILLS PASSED.

The engrossed bill to incorporate the Berrien bridge company, coming up for a third reading, was passed by the following vote :

Yeas—Messrs. Anderson, Axford, Cady, J. L. Gage, Wm. Gage, Godfrey, Hagaman, King, Lothrop, Lawrence, Lee, Littlejohn, McLeod, Moore, Murray, O'Keeffe, Olds, Patterson, Pratt, Provost, Purdy, Rix, Schoolcraft, Snell, Snow, Vaughn, Vickery, Videto, Waldron, Younglove—30.

Nays—Messrs. Barnard, Beach, Bush, Goodell, Goodwin, Hixon,

Nays—Messrs. Anderson, Axford, Barnard, Beach, Cady, Carpenter, J. L. Gage, Goodwin, Hixon, King, Lacey, Lothrop, Lee, Littlejohn, McLeod, Mottram, Murray, Olds, Patterson, Poppleton, Pratt, Provost, Purdy, Rice, Rix, Rowland, Snell, Snow, Vickery, Videto, Younglove, Speaker—32.

Members appearing and taking their seats,

Mr. Patterson moved to dispense with further proceedings under the call, and called for the yeas and nays, when the vote stood as follows :

Yeas—Messrs. Anderson, Andrews, Barnard, Beach, Cady, Carpenter, J. L. Gage, Goodell, Godfroy, Hagaman, Lacey, Lamb, Lee, Littlejohn, Livermore, Moore, Murray, Olds, Patterson, Poppleton, Pratt, Purdy, Rix, Seely, Snell, Vaughn, Vickery, Weld, Younglove, Speaker—30.

Nays—Messrs. Axford, Goodwin, Hixon, King, Lothrop, McCamly, McLeod, Mottram, Provost, Rice, Rowland, Schoolcraft, Snow, Videto, Waldron—15.

The question was then taken by yeas and nays on the motion of Mr. Lothrop to lay the resolution on the table :

Yeas—Messrs. Andrews, Cady, Carpenter, J. L. Gage, Goodell, Godfroy, Goodwin, Hagaman, Hixon, King, Lacey, Lothrop, Littlejohn, McCamly, McLeod, Moore, Mottram, Murray, Patterson, Rix, Schoolcraft, Vaughn, Vickery, Videto, Waldron, Weld, Younglove, Speaker—28.

Nays—Messrs. Anderson, Axford, Barnard, Beach, Lamb, Lee, Livermore, Olds, Poppleton, Pratt, Provost, Purdy, Rice, Rowland, Seely, Snell, Snow—18.

The question then being on taking up the "joint resolution authorizing the board of internal improvement to purchase railroad iron and spike," the House refused and the same lies upon the table.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, }
Feb. 8, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit to the House “a bill for the relief of Hester Jones,” which the Senate have passed, and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,
Sec’y of Senate.

And said bill was referred to the committee on university and school lands.

On motion of Mr. Rice,

The petitioners in relation to school district No. 3, in the township of Burns, county of Shiawassee, for a special law relating to taxes, had leave to withdraw their petition.

GENERAL ORDER.

On motion of Mr. Lothrop,

The House resolved itself into committee of the whole on the general order, Mr. Lothrop in the chair.

After some time spent thereon, the committee rose and reported back the following entitled and numbered bills :

Nays—Messrs. Anderson, Axford, Barnard, Beach, Cady, Carpenter, J. L. Gage, Goodwin, Hixon, King, Lacey, Lothrop, Lee, Littlejohn, McLeod, Mottram, Murray, Olds, Patterson, Poppleton, Pratt, Provost, Purdy, Rice, Rix, Rowland, Snell, Snow, Vickery, Videto, Younglove, Speaker—32.

Members appearing and taking their seats,

Mr. Patterson moved to dispense with further proceedings under the call, and called for the yeas and nays, when the vote stood as follows :

Yeas—Messrs. Anderson, Andrews, Barnard, Beach, Cady, Carpenter, J. L. Gage, Goodell, Godfroy, Hagaman, Lacey, Lamb, Lee, Littlejohn, Livermore, Moore, Murray, Olds, Patterson, Poppleton, Pratt, Purdy, Rix, Seely, Snell, Vaughn, Vickery, Weld, Younglove, Speaker—30.

Nays—Messrs. Axford, Goodwin, Hixon, King, Lothrop, McCamly, McLeod, Mottram, Provost, Rice, Rowland, Schoolcraft, Snow, Videto, Waldron—15.

The question was then taken by yeas and nays on the motion of Mr. Lothrop to lay the resolution on the table :

Yeas—Messrs. Andrews, Cady, Carpenter, J. L. Gage, Goodell, Godfroy, Goodwin, Hagaman, Hixon, King, Lacey, Lothrop, Littlejohn, McCamly, McLeod, Moore, Mottram, Murray, Patterson, Rix, Schoolcraft, Vaughn, Vickery, Videto, Waldron, Weld, Younglove, Speaker—28.

Nays—Messrs. Anderson, Axford, Barnard, Beach, Lamb, Lee, Livermore, Olds, Poppleton, Pratt, Provost, Purdy, Rice, Rowland, Seely, Snell, Snow—18.

The question then being on taking up the "joint resolution authorizing the board of internal improvement to purchase railroad iron and spike," the House refused and the same lies upon the table.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, }
Feb. 8, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit to the House “a bill for the relief of Hester Jones,” which the Senate have passed, and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,
Sec’y of Senate.

And said bill was referred to the committee on university and school lands.

On motion of Mr. Rice,

The petitioners in relation to school district No. 3, in the township of Burns, county of Shiawassee, for a special law relating to taxes, had leave to withdraw their petition.

GENERAL ORDER.

On motion of Mr. Lothrop,

The House resolved itself into committee of the whole on the general order, Mr. Lothrop in the chair.

After some time spent thereon, the committee rose and reported back the following entitled and numbered bills :

Senate bill to amend an act entitled 'an act relative to free schools in the city of Detroit,' with amendments from committee on education.

No. 33. A bill for the relief of Curtis Boughton, without amendment.

No. 41. A bill to regulate tax sales for the year 1843, and for other purposes, with amendments.

No. 42. A bill to provide for the preservation and completion of that portion of the Clinton and Kalamazoo canal between the villages of Rochester and Frederick, without amendment.

And the amendments to the Senate bill were concurred in, the rule suspended and the bill passed.

No. 35, was laid upon the table.

No. 41. The amendments to this bill were concurred in and the bill laid on the table.

No. 43 was laid upon the table.

And the House adjourned until ten o'clock to-morrow morning.

THURSDAY, February 9, 1843.

The House met pursuant to adjournment.

The journal of yesterday was read and corrected.

PETITIONS.

By Mr. Livermore. Of Austin Blair and 116 other citizens of the county of Eaton, praying for an appropriation for the improvement of Grand river. Referred to the committee on internal improvement.

By the same. Resolutions of the board of supervisors of the county of Eaton, relative to the same subject. Same reference.

By Mr. Bush. Claim of A. B. Monroe. Referred to committee on claims.

By the same. Of Isaac Penoyer and 42 other inhabitants of Livingston and Genesee counties, praying the laying out and establishing a state road. Referred to the committee on roads and bridges.

By Mr. Beach. Of James G. Birney and others, for the establishing of a state road from Tuscola to intersect a road leading from Cass river to Lower Saginaw. Referred to the same committee.

By Mr. Lawrence. Of John S. Holliday, for an alteration of the statute in regard to divorce. Referred to the committee on the judiciary.

REPORTS.

Mr. Lothrop, from the committee on internal improvement, to whom was referred the joint resolution relative to the claim of Robert Patrick and James E. Brown, reported the same back with an amendment, and the same was referred to the committee of the whole.

Mr. Barnard, from the committee on education, reported back the bill to establish and regulate primary schools, and the same was referred to the committee of the whole.

Mr. Rice, pursuant to leave, introduced a bill to authorize J. Milard to erect a dam across the Huron river, which bill was referred to the committee on roads and bridges.

NOTICES.

Mr. Weld gave notice that he will, on a future day, introduce a bill for the repeal of so much of the exemption law of 1842, as exempts \$250 worth of household furniture from execution.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, }
Feb. 9, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit to the House a “bill amendatory of an act entitled ‘an act in relation to the office rooms of the secretary of state,’ approved February 2, 1843,” which the Senate have passed, and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,
Sec’y of Senate.

And said bill was referred to the committee on expenditures.

GENERAL ORDER.

On motion of Mr. Lothrop,

The House resolved itself into committee of the whole, Mr. Rice in the chair, on the general order.

After going through the “bill for the more effectual organization and discipline of the militia,” the committee rose and reported the same back to the House without amendment.

On motion of Mr. Mottram,

The rule requiring the engrossment of the bill was dispensed with, and

“The question being on a third reading of the bill, the same was lost on a division, by a vote of 18 to 18.

On motion of Mr. Goodwin,

The bill to regulate tax sales of the year 1843, and for other purposes, was taken up, and the motion of Mr. Moore amending the same adopted.

And the House adjourned until half-past two o'clock P. M.

AFTERNOON SESSION.

Half-past 2 o'clock, P. M.

A quorum present.

The House resumed the consideration of the bill under consideration when the House adjourned, which was further amended on motion of Messrs. Purdy and Lothrop, when,

On motion of Mr. Goodwin, Mr. Lothrop's amendment as sec. 8, was reconsidered and lies on the table.

On motion of Mr. Waldron, the same was laid on the table.

The Speaker announced the report of the state geologist, which was laid on the table and ordered printed.

On motion of Mr. Lamb,

The vote taken on the "bill for the more effectual organization and discipline of the militia," was reconsidered by yeas and nays as follows :

Yeas—Messrs. Anderson, Andrews, Axford, Barnard, Beach, Bush, Cady, Carpenter, J. L. Gage, W. Gage, Goodell, Godfroy, Goodwin, Hagaman, Hixon, Howe, King, Lacey, Lamb, Lothrop, Lawrence, Lee, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, Murray, Olds, Patterson, Pratt, Provost, Rice, Rix, Schoolcraft, Seely, Snell, Snow, Vaughn, Vickery, Videto, Waldron, Weld, Younglove, Speaker—46.

Nays—Messrs. Purdy, Rowland—2.

And the bill was laid upon the table.

On motion of Mr. Lothrop,

The "bill making appropriations on the Central and Southern railroads for the year A. D. 1848, and for other purposes," was taken up,

And the amendments of the committee of the whole were concurred in, until the question arose on striking out section 3, which prevailed by the following vote :

Yeas—Messrs. Axford, Barnard, Beach, Bush, Cady, Carpenter, J. L. Gage, W. Gage, Goodell, Godfroy, Hagaman, Lee, McLeod, Murray, Olds, Patterson, Poppleton, Pratt, Provost, Rix, Rowland, Seely, Snell, Snow, Vaughn, Waldron, Younglove, Speaker—23.

Nays—Messrs. Anderson, Andrews, Goodwin, Hixon, Howe, King, Lamb, Lacey, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, Moore, Mottram, Purdy, Schoolcraft, Vickery, Videto, Weld—20.

The 7th section was stricken out, by the following vote :

Yeas—Messrs. Axford, Barnard, Beach, Bush, Cady, Carpenter, J. L. Gage, Wm. Gage, Goodell, Godfroy, Hagaman, Lamb, Le , McLeod, Murray, Olds, Patterson, Poppleton, Pratt, Provost, Rice, Rix, Rowland, Seely, Snell, Snow, Vaughn, Waldron, Younglove, Speaker—30.

Nays—Messrs. Anderson, Andrews, Goodwin, Hixon, Howe, King, Lacey, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, Moore, Mottram, O'Keeffe, Purdy, Schoolcraft, Vickery, Videto, Weld—20.

The amendment to the 8th section was carried as follows :

Yeas—Messrs. Axford, Barnard, Beach, Bush, Cady, Carpenter, J. L. Gage, Wm. Gage, Goodell, Godfroy, Hagaman, Lothrop, Lee, McLeod, Murray, Olds, Patterson, Poppleton, Pratt, Provost, Rice, Rix, Rowland, Snell, Snow, Vaughn, Waldron, Younglove, Speaker—29.

Nays—Messrs. Anderson, Andrews, Goodwin, Hixon, Howe, King, Lacey, Lamb, Lawrence, Littlejohn, Livermore, McCamly, Moore, Mottram, O'Keeffe, Purdy, Schoolcraft, Seely, Vickery, Videto, Weld—21.

Mr. Lothrop moved to insert the "bill to provide for the preservation and completion of that portion of the Clinton and Kalamazoo canal, between the villages of Rochester and Frederick," between the second and third sections, as an amendment, which motion was lost as follows :

Yeas—Messrs. Axford, Lamb, Lothrop, Lee, Livermore, McCamly, Mottram, Schoolcraft, Snell, Videto, Waldron, Weld, Younglove—13.

Nays—Messrs. Anderson, Andrews, Barnard, Beach, Bush, Cady, Carpenter, J. L. Gage, Wm. Gage, Goodell, Godfroy, Goodwin, Hagaman, Hixon, Howe, King, Lacey, Lawrence, Littlejohn, McLeod, Moore, Murray, O'Keeffe, Olds, Patterson, Poppleton, Pratt, Provost, Purdy, Rowland, Seely, Snow, Vaughn, Vickery. Speaker—35.

Mr. Lothrop then offered the following as an amendment :

That there be appropriated out of any money that shall come into the treasury to the credit of the internal improvement fund, for the purpose of extending the Central railroad to the village of Kalamazoo, the sum of two hundred and forty thousand dollars.

Pending the discussion of this amendment, a motion to adjourn was made and lost.

Mr. Lamb moved a reconsideration of the vote to adjourn.

Mr. Mottram moved a call of the House which was lost.

On motion of Mr. Goodwin,

The House adjourned until ten o'clock to-morrow morning.

Lamb, Livermore, McCamly, Mottram, Poppleton, Rice, Seely, Weld, Speaker—15.

NOTICES.

Mr. Rice gave notice that he will at an early day ask leave to introduce "a bill to authorize Jesse Milhard to erect a dam across the Huron river in township one south, of range five east."

Mr. Lothrop gave notice that on a future day he will ask leave to bring in a bill requiring the clerks of the several counties to furnish annually the auditor general certain statistical information.

SPECIAL ORDER.

The Speaker announcing the special order,

On motion of Mr. Lothrop,

The House again resolved itself into committee of the whole on the "bill making appropriations on the central and southern railroads for the year A. D., 1843, and for other purposes," Mr. Livermore in the chair.

After going through the same, the committee rose and reported the same back with amendments, and the bill as amended was laid on the table and ordered to be printed.

Mr. Rice called up his resolutions of yesterday from the table, and the House having them under consideration,

Mr. Lothrop proposed to amend the first resolution, by inserting after the word "proceeds," "of the work on which such warrants were drawn until such warrants shall be paid."

And the amendment being under consideration until the hour of adjournment, the same lies on the order of unfinished business.

And the House adjourned until half-past two o'clock P. M.

AFTERNOON SESSION.

Half-past 2 o'clock P. M.

A quorum present.

Mr. Lothrop moved to lay on the table the joint resolution relative to interest on warrants drawn on the internal improvement fund.

On motion of Mr. Bush,

There was a call of the House, when there were absent Messrs. Carpenter, Wm. Gage, Godfrey, Hagaman, Howe, Lawrence, Moore, O'Keeffe, Patterson, Pratt, Smith, Vickery, Weld and Younglove.

Mr. Videto asked for and obtained leave of absence for Mr. Lawrence until to-morrow.

Mr. Barnard for Mr. Smith for the week, on account of indisposition.

The sergeant-at-arms was then instructed to bring in absentees.

Mr. Schoolcraft moved an adjournment, which motion was lost.

Mr. Lamb moved to dispense with the further proceedings under the call of the House, which motion did not prevail.

Mr. Livermore moved an adjournment, which motion was lost.

Mr. Lamb moved that further proceedings under the call be dispensed with, which motion was lost.

Mr. Livermore moved an adjournment, and the yeas and nays being called for, it was decided in the negative, as follows :

Yeas—Messrs. Andrews, Goodell, Godfrey, Hagaman, Lamb, Livermore, McCamly, Moore, Schoolcraft, Vaughn and Waldron.
—11.

Nays—Messrs. Anderson, Axford, Barnard, Beach, Cady, Carpenter, J. L. Gage, Goodwin, Hixon, King, Lacey, Lothrop, Lee, Littlejohn, McLeod, Mottram, Murray, Olds, Patterson, Poppleton, Pratt, Provost, Purdy, Rice, Rix, Rowland, Snell, Snow, Vickery, Videto, Younglove, Speaker—32.

Members appearing and taking their seats,

Mr. Patterson moved to dispense with further proceedings under the call, and called for the yeas and nays, when the vote stood as follows :

Yeas—Messrs. Anderson, Andrews, Barnard, Beach, Cady, Carpenter, J. L. Gage, Goodell, Godfroy, Hagaman, Lacey, Lamb, Lee, Littlejohn, Livermore, Moore, Murray, Olds, Patterson, Poppleton, Pratt, Purdy, Rix, Seely, Snell, Vaughn, Vickery, Weld, Younglove, Speaker—30.

Nays—Messrs. Axford, Goodwin, Hixon, King, Lothrop, McCamly, McLeod, Mottram, Provost, Rice, Rowland, Schoolcraft, Snow, Videto, Waldron—15.

The question was then taken by yeas and nays on the motion of Mr. Lothrop to lay the resolution on the table :

Yeas—Messrs. Andrews, Cady, Carpenter, J. L. Gage, Goodell, Godfroy, Goodwin, Hagaman, Hixon, King, Lacey, Lothrop, Littlejohn, McCamly, McLeod, Moore, Mottram, Murray, Patterson, Rix, Schoolcraft, Vaughn, Vickery, Videto, Waldron, Weld, Younglove, Speaker—28.

Nays—Messrs. Anderson, Axford, Barnard, Beach, Lamb, Lee, Livermore, Olds, Poppleton, Pratt, Provost, Purdy, Rice, Rowland, Seely, Snell, Snow—18.

The question then being on taking up the "joint resolution authorizing the board of internal improvement to purchase railroad iron and spike," the House refused and the same lies upon the table.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, }
Feb. 8, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit to the House “a bill for the relief of Hester Jones,” which the Senate have passed, and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,
Sec’y of Senate.

And said bill was referred to the committee on university and school lands.

On motion of Mr. Rice,

The petitioners in relation to school district No. 3, in the township of Burns, county of Shiawassee, for a special law relating to taxes, had leave to withdraw their petition.

GENERAL ORDER.

On motion of Mr. Lothrop,

The House resolved itself into committee of the whole on the general order, Mr. Lothrop in the chair.

After some time spent thereon, the committee rose and reported back the following entitled and numbered bills :

SENATE CHAMBER.
Feb. 10, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to respectfully inform the House that the Senate have concurred in the House amendments to the “bill to amend an act entitled an act relative to free schools in the city of Detroit,” and have ordered the same to be enrolled.

Also, to return the “bill to prevent the concealment and embezzlement of the property of deceased persons,” and to respectfully inform the House that the Senate have passed the same with amendments, in which they ask the concurrence of the House.

Also, to return the “bill to provide for the disposition of prisoners in certain cases therein mentioned,” and to inform the House that the Senate have concurred in the amendments made thereto by the House, with certain amendments, in which they respectfully ask the concurrence of the House.

JAS. E. PLATT,
Sec’y of Senate.

The second named bill was, on motion of Mr. Littlejohn, referred to the committee on the judiciary.

And the amendment to the third mentioned bill was concurred in, and the same returned to the Senate.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE,
Detroit, February 19, 1843. }

To the House of Representatives :

I have this day approved, signed and deposited in the office of the secretary of state, a "joint resolution in relation to payments into the treasury."

JNO. S. BARRY.

The Speaker announced the following communication from the Common Council of the city of Detroit, which was referred to the committee on ways and means :

To the Hon. the House of Representatives of the state of Michigan :

At a meeting of the freemen of the city of Detroit, held at the city hall on Saturday, January 28th, 1843, the following resolution was adopted :

"Resolved, That application be made to the legislature at the present session, for authority to levy a specific tax of ten thousand dollars for the year 1843 : and also, a specific tax of ten thousand dollars for the year 1844, in addition to the one half of one per cent now authorized. Also for an amendment to the charter, to authorize the common council to open all the streets within the city limits."

DOUGLASS HOUGHTON, Chairman.

CALEB F. DAVIS, Sec'y.

CITY CLERK'S OFFICE, }
Detroit, Feb. 10, 1843. }

I certify the foregoing to be a true copy of the original, on file in this office.

CALEB F. DAVIS, Clerk.

The Speaker then announced the unfinished business, being on the amendment to the bill making appropriations on the Central and Southern railroads for the year A. D. 1843, and for other purposes."

And the same was under discussion until the hour of adjournment.

Mr. Livermore moved an adjournment, which was lost.

Mr. Mottram moved a call of the House, which motion prevailed, and there were two members absent ; further proceedings under the call were dispensed with.

A motion to adjourn was made and lost on a division.

Mr. Bush moved an adjournment until half-past 2 o'clock. Withdrawn.

Mr. Lamb moved a reconsideration of the vote on adjournment which prevailed.

Mr. Lamb then moved that the House do now adjourn, and the motion was lost on a division, 25 to 25.

Mr. Bush moved to adjourn until 3 o'clock, which motion was lost.

Mr. Mottram moved to adjourn, and the yeas and nays being called for, the motion prevailed by the following vote :

Yeas—Messrs. Anderson, Brown, Cady, J. L. Gage, Goodell, Goodwin, Howe, Johnson, King, Lacey, Lamb, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, O'Keefe, Provost, Purdy, Rice, Rix, Vaughn, Vickery, Videto, Weld, Speaker—29.

Nays—Messrs. Axford, Barnard, Beach, Bush, Carpenter, Wm. Gage, Godfroy, Hagaman, Hixon, Lee, Murray, Olds, Patterson, Poppleton, Pratt, Rowland, Schoolcraft, Seely, Snell, Snow, Waldron, Younglove—22.

MONDAY, February 13, 1913.

The House met pursuant to adjournment.

The journal of Saturday was read and approved.

PETITIONS.

By Mr. Lamb. Of citizens of the county of Lapeer, against setting off western tier of townships. Referred to committee on towns and counties.

By Mr. Johnson. Of 30 citizens of Plainfield, Kent county, praying for an addition of certain section to said township. Referred to the committee on towns and counties.

By the same. Of 80 citizens of Kent county, praying that the lands relinquished to the state by the act of congress, 1841, may be brought into market and sold. Referred to the committee on university, school and other state lands.

By Mr. Lamb. Of citizens of Detroit and others, recommending Lucius Thompson to be keeper of the capital. Referred to the committee on expenditures.

By Mr. Bush. Memorial of Isaac Kelley, William Beer and others, contractors on the public works, asking payment upon auditor's warrants. Referred to committee on internal improvement.

The Speaker announced the following letter of invitation which lies upon the table :

DETROIT, February 9th, 1843.

To the Speaker of the House of Representatives of the state of Michigan :

SIR—On behalf of the committee appointed to make arrangements for a public welcome to be given to General Lewis Cass on his arrival in this city on Wednesday next, I am instructed, through you, to invite the members and officers of the House of Representatives to take part in the proceedings of that day.

Very respectfully, your ob't servant,

A. TEN EYCK, Com. of invitation.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, }
Feb. 11, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit the following entitled bills, which the Senate have passed, and respectfully ask the concurrence of the House therein :

“A bill authorizing the settlement of the claim of Daniel Thurston for damages arising from the construction of the state mill dam at Frederick in Macomb county.”

“A bill to prevent mortgagors and judgment debtors from destroying or impairing the securities therein mentioned.”

JAS. E. PLATT,
Sec'y of Senate.

The first named bill was referred to the committee on internal improvement, and the second to the committee on the judiciary.

SENATE CHAMBER, }
Feb. 13, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit a 'joint resolution relative to printing report of joint committee on the subject of the five million loan bonds,' which the Senate have adopted, and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,

Sec'y of Senate.

And the said resolution was concurred in with an amendment and returned to the Senate.

REPORTS.

Mr. Johnson, from the committee on university, school and state lands, to whom was referred the petition of Abel Warner and others, inhabitants of Macomb county, praying for a grant of certain lands on which to build a church, have had the same under consideration, and report adverse to the prayer of said petitioners, and asked and obtained leave to be discharged from its further consideration.

Mr. Waldron, from the committee on towns and counties, who were instructed to enquire into the expediency of changing the names of certain counties of this state, and to whom was also referred a petition of Jonathan Lamb, relating to the same subject, reported a

"bill to change the names of certain counties," which was referred to the committee of the whole and ordered to be printed.

Mr. Littlejohn, from the committee on the judiciary, to whom was referred the resolution of inquiry into the propriety of modifying the existing penal provisions of the law of rape, would report thereon a "bill to amend certain penal provisions contained in the revised statutes," which was referred to the committee of the whole.

Mr. Littlejohn, from the committee on the judiciary, reported adverse on the petition of Reuben Smith, and the committee were discharged from the subject.

Mr. Bush, from the committee on banks and incorporations, reported back the Senate "bill to amend an act entitled an act to amend an act entitled an act to incorporate the village of Adrian," which was referred to the committee of the whole.

Mr. Littlejohn, from the committee on the judiciary, reported back the Senate "bill to prevent the concealment and embezzlement of the property of deceased persons," with an amendment, and the same was laid upon the table.

Mr. Johnson, from the committee on university and other state lands, reported back the "bill for the relief of Hester Jones," with an amendment, which lies upon the table.

Mr. Littlejohn, from the committee on the judiciary, to whom was referred the petition of sundry inhabitants of the township of Vienna, in the county of Genesee, praying for an act legalizing the proceedings at their last township meeting, have fully considered the same, and while they entertain serious doubts as to the force and validity of any objection to the legality of said proceedings, yet they feel constrained to take the same view as formerly upon the subject of retrospective legislation to cure radical defects; they therefore report adverse to the prayer of the petitioners; and the committee were discharged from the further consideration of the subject.

Mr. Barnard asked for and obtained the discharge of the committee on education from the further consideration of the petitions of 28 citizens of Kalamazoo.

Mr. Anderson, from the committee on towns and counties, to whom was referred sundry petitions of the citizens of the county of Wayne, asking for a division of such county, reported that they have taken the petitions under consideration, and have come to the conclusion that the prayer of the petitioners ought not to be granted, and ask to be discharged from the further consideration, and the committee were discharged accordingly.

UNFINISHED BUSINESS.

The Speaker announced the unfinished business, being on the amendment offered by Mr. Lothrop to the "bill making appropriations on the Central and Southern railroads, for the year 1843."

Mr. Anderson proposed an amendment "making the warrants to be drawn payable in land belonging to the state," which was accepted by the mover.

During the discussion of the subject,

On motion of Mr. Goodwin, the amendment and bill were laid upon the table to allow him to make a report from the joint committee of the two houses on the subject of Mr. Butler's communication on the subject of the five million loan.

The House then resumed the subject, and the same was under discussion until the hour of adjournment.

Adjourned until half-past two o'clock.

AFTERNOON SESSION.

Half-past 2 o'clock P. M.

The Speaker announced the unfinished business, when,

On motion of Mr. Goodwin, it was laid on the table to make room for reports, &c.

Mr. Goodwin, from the committee of ways and means, then reported a "bill to authorize a special tax in the city of Detroit," which was laid upon the table.

Mr. Rix presented the claim of J. J. Robinson, which was referred to the committee on claims.

Mr. Lamb laid the following joint resolution on the table :

Resolved by the Senate and House of Representatives of the state of Michigan, That the Treasurer of this state be and he is hereby authorized and directed to pay all taxes upon university or school lands which have reverted to this state, upon which a tax may appear to be justly due, and charge the same over to the university or primary school interest fund as the case may be.

Mr. Lamb moved that the whole matter be recommitted to the committee on internal improvement, with the following instructions :

1st. To provide for payments of interest on outstanding warrants drawn against the internal improvement fund.

2d. To provide for the security of interest due on foreign indebtedness.

3d. To provide for ironing or finishing the Central road to Marshall and the Southern to Hillsdale.

4th. To provide for an outlay of twenty thousand dollars in the preservation of the Clinton and Kalamazoo canal, and if practicable make it useful.

5th. To provide for the outlay of the existing appropriation for converting the line of the Northern railroad into a wagon road.

6th. To appropriate two hundred thousand dollars for grubbing, grading, &c. on the line of the Central railroad, between Marshall and Kalamazoo.

7th. To provide for the outlay of five thousand dollars of the existing appropriation for the improvement of the St. Joseph river.

8th. The 4th, 5th, 6th and 7th provisions to be carried out by drawing warrants against the lands of the state, (university and school lands excepted) or the fund arising from the sale thereof.

The question being taken by yeas and nays was lost by the following vote :

Yeas—Messrs. Cady, Goodwin, Hixon, Johnson, Lacey, Lamb, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Mottram, Poppleton, Pratt, Vickery, Videto, Weld—19.

Nays—Messrs. Anderson, Andrews, Axford, Barnard, Beach, Brown, Bush, Carpenter, J. L. Gage, Wm. Gage, Goodell, Godfroy, Howe, King, Lee, Moore, Murray, Olds, Patterson, Provost, Purdy, Rice, Rix, Rowland, Schoolcraft, Seely, Snell, Snow, Vaughn, Waldron, Younglove, Speaker—33.

The question being then taken on the amendment of Mr. Lothrop, the same was lost by the following vote :

Yeas—Messrs. Anderson, Andrews, Brown, Goodwin, Hixon, Howe, Johnson, King, Lacey, Lamb, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, Moore, Mottram, O'Keeffe, Provost, Purdy, Schoolcraft, Vaughn, Vickery, Videto, Weld—25.

Nays—Messrs. Axford, Barnard, Beach, Bush, Cady, Carpenter, J. L. Gage, Wm. Gage, Goodell, Godfroy, Hagaman, Lee, McLeod, Murray, Olds, Patterson, Poppleton, Pratt, Rice, Rix, Rowland, Seely, Snell, Snow, Waldron, Younglove, Speaker—27.

Mr. Lamb again moved to recommit with instructions which did not prevail :

Yeas—Messrs. Anderson, Andrews, Brown, Cady, Goodwin, La-

ery, Lamb, Lawrence. Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, O'Keeffe, Pratt, Schoolcraft, Vickery, Videto, Weld—20.

Nays—Messrs. Axford, Barnard, Beach, Bush, Carpenter, J. L. Gage, Wm. Gage, Goodell, Godfroy, Hagaman, Hixon, Howe, King, Lee, Murray, Olds, Patterson, Poppleton, Provost, Purdy, Rice, Rix, Rowland, Seely, Snell, Snow, Vaughn, Waldron, Younglove, Speaker—30.

Mr. Rice offered the following substitute for the whole bill :

A bill making appropriations on the Central and Southern railroads for the year A. D. 1843, and to provide for paying the interest on state warrants.

Section 1. Be it enacted by the Senate and House of Representatives of the state of Michigan, That the State Treasurer is hereby authorized and required to pay the interest on all warrants now drawn or that may be hereafter drawn on the internal improvement fund, annually, from the net proceeds of the Central and Southern railroads, until the warrants shall be paid, and all such warrants shall be receivable in payment for any lands belonging to this state, which shall hereafter come into market; university and primary school lands excepted.

Sec. 2. The board of internal improvement are hereby authorized and empowered, on the part of the state, to pledge the net proceeds of the Central and Southern railroads to an amount not exceeding one hundred and ten thousand dollars, for the purchase of and payment for iron and spike and the transportation thereon, to iron the Central railroad to Marshall, and the Southern to Hillsdale; and they are authorized to apply such proceeds from time to time on the contracts, which shall be made in pursuance hereof, until such contracts shall be fully paid: Provided, that no contract shall be made in pursuance of the above authority, which shall conflict with the present existing laws, or their operation, relative to treasury notes or the first section of this act.

Sec. 3. That there be appropriated out of any moneys that may come into the treasury to the credit of the internal improvement fund, for the extension and construction of the Central railroad to the village of Battle Creek, in the county of Calhoun, the sum of one hundred thousand dollars.

Sec. 4. That the commissioners of internal improvement, in making contracts on the Central railroad, shall make them payable in warrants on the internal improvement fund, and the state to be in no way responsible for the payment of said warrants, until that fund shall be reimbursed by the sale of lands belonging to this state, or from moneys legitimately coming into that fund from other source.

Sec. 5. All warrants now drawn or that shall hereafter be drawn on the internal improvement fund, shall be receivable in payment for any of the lands belonging to this state, which shall hereafter come into market, university and primary school lands excepted.

Sec. 6. That the commissioners of the board of internal improvement, unless they can let the contracts for the grubbing, grading and the furnishing the timber for superstructure for the Central railroad between the villages of Marshall and Battle Creek, at prices not exceeding the contract prices for the same kind of work and materials made in A. D. 1841, on said road, and under the express conditions provided for in this act, then, and in that case the commissioners are forbid the letting of said contracts.

Sec. 7. The "joint resolution prohibiting new contracts on the public works," approved January 18, 1842, is hereby suspended, so far as it relates to the Central railroad between the villages of Jackson and Battle Creek.

Sec. 8. That there be appropriated out of any moneys that may come into the treasury to the credit of the internal improvement fund, for the purposes of paying up arrearages of work done and materials furnished on the Clinton and Kalamazoo canal, the sum of five thousand seven hundred and seventy dollars.

Mr. Bush proposed to amend as follows :

Provided no contract shall be let west of Marshall until the lands upon which the appropriation is made has been subject to entry since the law of the state of last year.

The vote being taken by yeas and nays stood :

Yeas—Messrs. Axford, Barnard, Beach, Brown, Bush, Cady, Carpenter, J. L. Gage, Wm. Gage, Goodell, Godfroy, Hagaman, Hixon, Lee, Murray, Olds, Patterson, Poppleton, Pratt, Rix, Rowland, Seely, Snell, Snow, Waldron, Younglove—26.

Nays—Messrs. Anderson, Andrews, Goodwin, Howe, Johnson, King, Lacey, Lamb, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, O'Keeffe, Provost, Purdy, Rice, Schoolcraft, Vaughn, Vickery, Videto, Weld, Speaker—25.

The question being on the substitute it was lost :

Yeas—Messrs. Anderson, Andrews, Hixon, Lamb, Lawrence, Lee, Pratt, Rice, Snell—9.

Nays—Messrs. Axford, Barnard, Brown, Bush, Cady, Carpenter, J. L. Gage, Wm. Gage, Goodell, Godfroy, Goodwin, Hagaman, Howe, Johnson, King, Lacey, Lothrop, Littlejohn, McCamly, Moore, Mottram, Murray, O'Keeffe, Olds, Patterson, Poppleton, Provost, Purdy, Rix, Rowland, Schoolcraft, Seely, Snow, Vaughn, Vickery, Videto, Waldron, Weld, Younglove, Speaker—27.

Mr. Lamb proposed to amend the 5th section by striking out all after the word "suspended," which was lost as follows :

Yeas—Messrs. Anderson, Andrews, Cady, J. L. Gage, Goodell, Goodwin, Johnson, King, Lacey, Lamb, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, Mottram, O'Keeffe, Rix, Schoolcraft, Vaughn, Vickery, Videto, Weld, Speaker—24.

Nays—Messrs. Axford, Barnard, Beach, Brown, Carpenter, Wm. Gage, Hagaman, Hixon, Howe, McLeod, Murray, Olds, Patterson, Poppleton, Pratt, Provost, Purdy, Rice, Rowland, Seely, Snow, Waldron, Younglove—24.

Mr. Littlejohn moved to strike out "Marshall," in the 5th section, and insert Battle Creek, and the following to come in as section 3 :

Sec. 3. The board of internal improvement are hereby authorized to let contracts to the amount of one hundred thousand dollars, for the extension of the Central railroad from Marshall to the village of Battle Creek, in the county of Calhoun : Provided, that said contracts shall be let at twelve per cent less than the estimates of 1841 ; and provided further, that the warrants to be issued thereon, shall be drawn only against the state lands at not less than one dollar and twenty-five cents per acre.

Mr. Hagaman moved a call of the House, which prevailed. There being two members absent, a motion was made to suspend further proceedings under the call, which was lost by yeas and nays as follows :

Yeas—Messrs. Anderson, Andrews, Brown, Goodell, Godfroy, Goodwin, Hixon, Howe, Johnson, Lacey, Lothrop, Lawrence, Livermore, McCamly, Moore, Mottram, Patterson, Purdy, Schoolcraft, Vickery, Videto, Waldron, Weld, Speaker—23.

Nays—Messrs. Axford, Barnard, Cady, J. L. Gage, Wm. Gage, Hagaman, Howe, King, Lamb, Lee, Littlejohn, McLeod, Murray, O'Keeffe, Olds, Poppleton, Pratt, Provost, Rice, Rix, Rowland, Seely, Snell, Snow, Vaughn, Younglove—26.

And the House adjourned.

TUESDAY, February 14, 1843.

The House met pursuant to adjournment.

The members were all present.

PETITIONS.

By Mr. Lacey. Of sundry citizens of Berrien county, asking that the Farmers' and Mechanics' Bank of Michigan be authorized

to remove their Bank from St. Joseph to Niles in said county. Referred to the committee on banks and incorporations.

By Mr. Johnson. Of James Scribner and B. Robarge, that the state will allow them to pay certain indebtedness to the state in state warrants. Referred to the committee of ways and means.

By Mr. Snow. Memorial of Z. Platt, praying the legislature to remunerate him for certain extra services rendered the state and for certain expenditures incurred by him in the performance of said extra services, &c. Referred to the committee on claims.

By Mr. McCamly. Of citizens of Eaton county, to be set off into a separate town. Referred to the committee on towns and counties.

By Mr. Andrews. Remonstrance of 40 citizens of the township of Decatur in the county of Van Buren against a division of said township. Referred to the committee on towns and counties.

By Mr. Videto. Claim of B. B. Moore & Co. Referred to the committee on claims.

By Mr. O'Keeffe. Of John Flinn. Referred to the committee on internal improvement.

REPORTS.

Mr. Moore, from the committee on roads and bridges, having had under consideration the "bill authorising J. Millerd to erect a dam across the Huron river," reported the same back, asked for and obtained discharge from further consideration of the same, and the bill referred to the committee of the whole and ordered to be printed.

Mr. Littlejohn, from the committee on the judiciary to whom was referred the petition of John S. Holiday, praying for an alteration of the law of divorce, so that the supreme court may decree an absolute divorce from the bonds of matrimony, upon the desertion of either party for *one year*, having considered the same, are of the opinion that the alteration sought would be inexpedient and report adverse to the memorial. And the committee were accordingly discharged.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, }
Feb. 13, 1843. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit “a bill to authorize Wm. L. Whipple and others to release their interest in certain real estate,” which the Senate have passed and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,
Sec’y of Senate.

And said bill was referred to the committee on the judiciary.

NOTICES.

Mr. McLeod gave notice that on to-morrow he will ask leave to introduce a bill to amend an act, entitled “an act to provide for the voluntary dissolution of corporations, and to prescribe the duties of receivers in chancery, in certain cases and for other purposes, approved April 15, 1839.”

Mr. Carpenter gave notice that at a future day he will ask leave to introduce a bill relative to proceedings in criminal cases.

RESOLUTION.

Mr. Anderson offered the following resolution:

Resolved, That this House will hereafter hold three sessions a day, the morning session to commence at nine o'clock A. M. the afternoon session at half past two o'clock P. M. and the evening session at 6 o'clock P. M.

The question being taken by yeas and nays, the same was lost by the following vote :

Yeas—Messrs. Anderson, Andrews, Barnard, Beach, Bush, Carpenter, Wm. Gage, Goodell, Godfroy, Hagaman, Hixon, Howe, King, Lee, Olds, Poppleton, Pratt, Purdy, Rice, Rowland, Smith, Vickery—22.

Nays—Messrs. Brown, Cady, J. L. Gage, Goodwin, Johnson, Lacey, Lamb, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, Murray, O'Keeffe, Patterson, Provost, Rix, Schoolcraft, Seely, Snell, Snow, Vaughn, Videto, Waldron, Weld, Younglove, Speaker—30.

UNFINISHED BUSINESS.

The Speaker announced the unfinished business being the bill making appropriations on central and southern railroads.

Mr. Barnard offered the following provision to Mr. Littlejohn's amendment:

Provided, that no contract shall be let west of Marshall until the said lands have been subject to entry six months under the laws of this state.

The question being taken by yeas and nays, the motion was lost as follows :

Yeas—Messrs. Axford, Barnard, Beach, Bush, Carpenter, J. L. Gage, W. Gage, Goodell, Hagaman, Lee, Murray, Olds, Patterson, Poppleton, Pratt, Rix, Rowland, Seely, Snell, Snow, Waldron, Younglove, Speaker—23.

Nays—Messrs. Anderson, Andrews, Brown, Cady, Godfroy, Goodwin, Hixon, Howe, Johnson, King, Lacey, Lamb, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, O'Keeffe, Provost, Purdy, Rice, Schoolcraft, Smith, Vaughn, Vickery, Videto, Weld—30.

Mr. McLeod then offered the following substitute :

Sec. 3. Strike out all before "proviso" and insert :

The board of internal improvement are hereby authorized to let such amount of contracts as shall be paid for by one hundred and fifty thousand acres of state land, school and university lands excepted, to be located by the purchasers under such restrictions as are now or may hereafter be made by law, for the extension of the central railroad to the village of Kalamazoo.

Provided, That all the public lands of this state, before they shall be subjected to entry by the said person holding such warrants, shall be offered for sale at public auction, and provided also the said lands shall be received by such persons at the minimum price established by law, and provided further that said contracts shall be let at twelve per cent less than the estimates of 1841.

The question being taken by yeas and nays, the substitute was received by the following vote :

Yeas—Messrs. Anderson, Andrews, Brown, Cady, Goodell, Godfroy, Goodwin, Hixon, Howe, Johnson, King, Lacey, Lamb, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, O'Keeffe, Provost, Purdy, Rix, Schoolcraft, Vaughn, Vickery, Videto, Weld—31.

Nays—Messrs. Axford, Barnard, Beach, Bush, Carpenter, Wm. Gage, J. L. Gage, Hagaman, Lee, Murray, Olds, Patterson, Poppleton, Pratt, Rice, Rowland, Seely, Snell, Snow, Waldron, Younglove, Speaker—22.

On motion of Mr. Carpenter the same was amended by adding :

‘ Provided further, That no part of said lands shall be located, and no warrants issued for work done on contracts let under this act shall be received in payment for any of the state lands till the 1st day of August next.”

And the House adjourned until half past two o'clock P. M.

AFTERNOON SESSION.

Half-past 2 o'clock P. M.

The question being called for on the adoption of the substitute of Mr. McLeod as an amendment to the bill,

There was a call of the House when there were five members absent.

Mr. Seely moved to dispense with further proceedings under the call, which motion was lost.

The sergeant-at-arms was then instructed to bring in absentees.

Members appearing and taking their seats ;

On motion of Mr. Seely, further proceedings under the call were dispensed with.

The question being then taken on the amendment of Mr. McLeod, the same was adopted by yeas and nays :

Yeas—Messrs. Anderson, Andrews, Beach, Brown, Cady, Goodell, Godfrey, Goodwin, Hixon, Howe, Johnson, King, Lacey, Lamb, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, Provost, Purdy, Rix, Schoolcraft, Seely, Smith, Vaughn, Vickery, Videto, Weld—32.

Nays—Messrs. Axford, Barnard, Bush, Carpenter, J. L. Gage, Wm. Gage, Hagaman, Lee, Murray, Olds, Patterson, Poppleton, Pratt, Rice, Rowland, Snell, Snow, Waldron, Younglove, Speaker—20.

Mr. McLeod then proposed the following additional amendment :

The board of internal improvement are hereby further authorized to draw warrants on sixty-eight thousand acres of state lands under the restrictions of the preceding sections, and for the following purposes, to wit :

17,000 acres on the Clinton and Kalamazoo canal.

21,000 acres on the northern rail road to convert the same into a turnpike.

4,000 acres for the improvement of the St. Joseph river.

4,000 acres for the improvement of the Grand river.

4,000 acres for the improvement of the Shiawasse river.

15,000 acres for the Grand river turnpike.

3,000 acres for the Saginaw turnpike.

Mr. Schoolcraft proposed adding 50,000 acres for the St. Mary's canal, which was accepted by the mover.

Mr. Johnson proposed a still further amendment by adding 18,000 acres for the construction of a canal around the rapids of Grand river at Grand Rapids.

Mr. McLeod then raised his proposition by striking out "sixty-eight" that the question might be divided.

The question being then taken on Mr. Johnson's amendment, the same prevailed as follows :

Yeas—Messrs. Andrews, Axford, Barnard, Beach, Brown, Bush, Cady, Carpenter, J. L. Gage, Goodell, Hagaman, Johnson, Lacey, Lothrop, Lee, Littlejohn, Livermore, McCamly, McLeod, Mottram, Murray, Olds, Patterson, Poppleton, Pratt, Provost, Purdy, Rice, Rix, Seely, Smith, Snell, Snow, Vaughn, Waldron, Weld, Younglove, Speaker—39.

Nays—Messrs. Anderson, Wm. Gage, Godfroy, Goodwin, Hixon, Howe, King, Lamb, Lawrence, Rowland, Schoolcraft, Vickery, Videto—12.

Mr. Carpenter and Mr. Howe then severally offered amendments which they subsequently withdrew.

Mr. Olds moved to amend by inserting 75,000 acres to continue the southern rail road from Hillsdale to Branch, which motion was lost.

Mr. Lacey moved to strike out at the end of the amendment the following words :

15,000 acres for the Grand river turnpike.

3,000 acres for the Saginaw turnpike.

50,000 acres for the St. Mary's canal.

And the motion prevailed by the following vote :

Yeas—Messrs. Anderson, Andrews, Axford, Brown, Cady, Wm. Gage, Goodell, Godfroy, Hixon, Howe, King, Lacey, Lamb, Lothrop, Lawrence, Littlejohn, Livermore, McLeod, Moore, Mottram, O'Keefe, Olds, Patterson, Poppleton, Pratt, Provost, Purdy, Rice, Rix, Rowland, Snell, Vaughn, Vickery, Videto, Waldron, Weld, Younglove—37.

Nays—Messrs. Barnard, Beach, Bush, Carpenter, J. L. Gage, Goodwin, Hagaman, Lee, McCamly, Murray, Patterson, Schoolcraft, Seely, Smith, Snow, Speaker—16.

Mr. Bush moved to amend by adding 10,000 acres for the completion of the Detroit and Grand river road. Lost as follows :

Yeas—Messrs. Axford, Barnard, Beach, Bush, Cady, Carpenter, J. L. Gage, Hagaman, King, Lee, Murray, Olds, Patterson, Poppleton, Pratt, Purdy, Rowland, Seely, Smith, Snell, Snow, Vaughn, Younglove, Speaker—24.

Nays—Messrs. Anderson, Andrews, Brown, Wm. Gage, Goodell, Godfroy, Hixon, Howe, Lacey, Lamb, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, O'Keefe, Provost, Rice, Rix, Schoolcraft, Vickery, Videto, Waldron, Weld—27.

Mr. Bush moved to strike out the quantity included for turnpiking northern rail road. Lost.

Yeas—Messrs. Anderson, Barnard, Beach, Bush, Wm. Gage, Goodell, Godfroy, Hixon, Howe, King, Lee, Moore, Murray, Olds, Patterson, Purdy, Rice, Rowland, Schoolcraft, Seely, Snow—22.

Nays—Messrs. Andrews, Brown, Cady, Carpenter, J. L. Gage, Goodwin, Hagaman, Lacey, Lamb, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Mottram, O'Keefe, Pratt, Provost, Rix, Snell, Vaughn, Vickery, Videto, Waldron, Weld, Younglove, Speaker—23.

Mr. Bush to strike out the appropriation for the St. Joseph river.
Lost.

Yeas—Messrs. Andrews, Barnard, Beach, Bush, Carpenter, Wm. Gage, Goodell, Godfroy, Hagaman, Hixon, Howe, King, Lee, Murray, Olds, Poppleton, Rice, Rowland, Schoolcraft, Seely, Smith, Snow, Younglove—23.

Nays—Messrs. Anderson, Axford, Brown, Cady, J. L. Gage, Goodwin, Lacey, Lamb, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, O'Keeffe, Patterson, Pratt, Provost, Purdy, Rix, Snell, Vaughn, Vickery, Videto, Waldron, Speaker—29.

Mr. Smith to appropriate 1000 acres for completing Detroit and Grand river road. Lost.

Mr. Carpenter moved an adjournment which was lost.

The vote was then taken on the propositions of Mr. McLeod as amended, and the same were lost as follows :

Yeas—Messrs. Andrews, Axford, Brown, Cady, J. L. Gage, Johnson, Lacey, Lamb, Lothrop, Lawrence, Littlejohn, Livermore, McLeod, O'Keeffe, Poppleton, Pratt, Provost, Rix, Seely, Snell, Vaughn, Videto, Waldron, Weld—25.

Nays—Messrs. Anderson, Barnard, Beach, Bush, Carpenter, Wm. Gage, Goodell, Godfroy, Goodwin, Hagaman, Hixon, Howe, King, Lee, McCamly, Moore, Murray, Olds, Patterson, Rice, Rowland, Schoolcraft, Smith, Snow, Vickery, Younglove, Speaker—27.

Mr. Rice offered the following proviso :

Provided further, That after paying for the iron and spike contemplated in this section, the net proceeds of said public works or so much thereof as may be necessary for that purpose are hereby pledged, for the payment of all interest which shall have accrued on the warrants now drawn upon the internal improvement fund and for the payment of the interest thereon annually forever thereafter, until such warrants shall be paid, and the state treasurer is hereby authorized to pay the same therefrom accordingly.

Mr. Lothrop moved to insert after word "warrants" "and bonds," which motion was lost.

Mr. Haganan offered the following substitute which was rejected:

That the state treasurer is hereby authorized and required to pay the interest on all warrants now drawn or that may be hereafter drawn, (for contracts already made,) on the internal improvement fund annually from the net proceeds of the central and southern rail roads until the warrants shall be paid. And no part of this section shall be construed so as to prevent the payment of interest on said warrants from the first moneys properly coming into the treasury from said roads.

The House now adjourned until 10 o'clock to-morrow morning.

WEDNESDAY, February 15, 1843.

The House met pursuant to adjournment.

Members all present.

The journal of yesterday was read and corrected as it has been all the week on account of errors of the printers.

CLAIMS.

By Mr. Bush. Claim of Baldwin and Whitney for engines furnished the state. Referred to committee on claims.

REPORTS.

Mr. Johnson, from the committee on university, school and state lands, to whom was referred the bill to amend 'an act to reduce the price of university and school lands and for other purposes,' having had the same under consideration, reported adversely to its passage, and asked to be discharged from its further consideration, and the committee were discharged.

Mr. Johnson then from a minority of the same committee made a report on the same bill, which with the bill was ordered to be printed.

Mr. Littlejohn, from the committee on the judiciary, to whom was referred the petition of sundry residents of school district No. (2) in the township of Hudson, in the county of Lenawee, praying for the passage of a law to correct certain imperfect descriptions in the taxes assessed in past years, having fully examined the same, reported adverse to the prayer of the petitioners, and asked to be discharged from the further consideration thereof. The same committee to whom was referred the petition of citizens of Hudson, Lenawee county, 'for an alteration of the school law,' believing that the amendments sought are embraced in the school bill now before the House, would ask leave to report said petition back to the House, and to be discharged from its further consideration.

And the committee were discharged accordingly.

Mr. Littlejohn, from a majority of the committee on the judiciary, to whom was referred the Senate bill "to prevent mortgagees and judgment debtors from destroying or impairing the securities therein mentioned," having examined the same, and satisfied themselves that its provisions are impolitic in theory and might produce great injustice in practice, feel constrained to report the same back to the House, with a recommendation that it do not pass.

And the bill was referred to the committee of the whole.

Mr. Littlejohn, from the committee on the judiciary, to whom was referred the petitions of citizens of St. Clair county, praying for the repeal or modification of the exemption laws, having duly considered the same, would report adverse to the prayer of the petitioners, and ask to be discharged, &c. And the committee were discharged.

Mr. Carpenter, pursuant to notice, obtained leave to introduce a "bill in relation to criminal proceedings," which was referred to the committee on the judiciary.

Mr. McLeod, pursuant to notice, obtained leave to introduce a "bill to amend an act approved April 15th, 1839," which was referred to the committee on the judiciary.

Mr. Snow, according to previous notice, obtained leave to introduce a "bill to amend part 1st, title 7, chap. 6, of the revised statutes, relative to interest of money," which was referred to the committee on the judiciary.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, }
Feb. 14, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return to the House the "bill for the relief of the bail of prisoners on the jail limits," which the Senate have passed with amendments, in which they respectfully ask the concurrence of the House.

Also, to transmit the following entitled bills which the Senate have passed, and respectfully ask the concurrence of the House therein :

"A bill explanatory of an act entitled an act to reduce the price of university and school lands, and for other purposes, approved February 15th, 1842."

"A bill authorizing mortgagees and judgment creditors to redeem real estate sold for taxes and assessments."

Feb. 15.]

HOUSE OF REPRESENTATIVES.

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“A bill to amend an act entitled an act to amend an act entitled an act to incorporate the village of Ypsilanti.”

JAS. E. PLATT,
Sec'y of Senate.

The first named bill was referred to the committee on the judiciary.

The second to the committee of the whole and ordered to be printed.

The third to the committee on the judiciary, and

The fourth to the committee on banks and incorporations.

SENATE CHAMBER, }
Feb. 14, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit to the House the following entitled bills which the Senate have passed, and respectfully ask the concurrence of the House therein :

“A bill to amend an act entitled an act to amend an act entitled an act to incorporate the village of Marshall, and for other purposes, approved Feb. 12, 1842.”

Also “a bill relative to common or primary schools.”

JAS. E. PLATT,
Sec'y of Senate.

The first named bill was referred to the committee on banks and incorporations, and the second to the committee on education.

Mr. Lothrop, from the committee on the "bill authorizing the settlement of the claim of Daniel Thurston for damages ensuing from the construction of the state mill dam at Frederick, in Macomb county," reported the same back, and it was referred to the committee of the whole.

RECOLLECTIONS.

On motion of Mr. Purdy of Washtenaw,

Resolved, That when the House adjourns it will adjourn to meet to-morrow morning at 10 o'clock, (by yeas and nays:).

Yeas—Messrs. Anderson, Andrews, Axford, Barnard, Beach, Brown, Cady, Carpenter, Wm. Gage, Godfrey, Hixon, Howe, Johnson, King, Lacey, Lamb, Lothrop, Lawrence, Lee, Livermore, McCamly, Moore, Mottram, Murray, O'Keeffe, Olds, Patterson, Pratt, Provost, Purdy, Rice, Rix, Rowland, Schoolcraft, Seely, Smith, Snow, Vaughn, Snell, Vileto, Waldron, Weld, Speaker—13.

Nays—Messrs. Bush, J. L. Gage, Goodwin, Hagaman, Littlejohn, McLeod, Poppleton, Vickery, Younglove—9.

Mr. Lothrop offered the following resolution, which was lost by yeas and nays:

Resolved, That this House will meet in the Hall of the House of Representatives at 2 o'clock P. M. and proceed in a body and unite with the citizens of this state in a public reception of General Cass. Lost.

Yeas—Messrs. Anderson, Beach, Brown, Cady, Carpenter, Wm. Gage, Godfrey, Howe, Lothrop, Lawrence, Livermore, Murray, Olds, Patterson, Pratt, Provost, Purdy, Rowland, Schoolcraft, See'y, Snow, Vaughn, Vickery, Videto, Waldron, Weld—25.

Nays—Messrs. Andrews, Axford, Barnard, Bush, J. L. Gage, Goodwin, Hagaman, Hixon, Johnson, King, Lacey, Lamb, Lee, Littlejohn, McCamly, McLeod, Moore, Mottram, Poppleton, Rice, Smith, Snell, Vaughn, Vickery, Younglove, Speaker—25.

Mr. O'Keeffe was excused from voting.

Mr. Goodwin offered the following resolutions, the two first of which were adopted, and the third laid upon the table :

Resolved, That the committees of this House, (excepting the committee on towns and counties,) be and they are hereby instructed to report on or before Tuesday next, on all matters that may be before them, requiring further action of the legislature.

Resolved, That after next Wednesday no new bills shall be introduced without the consent of at least three-fourths of the House, except appropriation bills, and bills that are to be reported by the committee on towns and counties.

Resolved, That after next Tuesday, there shall be three sessions a day, to begin at ten in the morning, half-past two, and seven o'clock P. M.

UNFINISHED BUSINESS.

The Speaker announced the unfinished business, being on the motion of Mr. Rice of yesterday, to amend the "bill making appropriations on the Central and Southern railroads for the year A. D. 1843," and the question being taken by yeas and nays, the amendment was adopted :

Yeas—Messrs. Anderson, Andrews, Axiford, Barnard, Beach, Brown, Bush, Cady, Carpenter, Wm. Gage, Godfrey, Hagaman, Hixen, King, Lamb, Lee, Livermore, Murray, Olds, Patterson, Poppleton, Pratt, Provost, Rice, Rix, Rowland, Seely, Snell, Snow, Waldron, Younglove, Speaker—32.

Nays—Messrs. J. L. Gage, Goodwin, Johnson, Lacey, Lothrop, Lawrence, Littlejohn, McLeod, Moore, Mottram, Purdy, Schoolcraft, Smith, Vaughn, Vickery, Videto, Weld—17.

Mr. Schoolcraft then proposed the following amendment :

The board of internal improvement are duly authorized to draw warrants on 21,000 acres of state lands under the restrictions of the preceding sections and for the following purposes, to wit :

17,000 acres for the Clinton and Kalamazoo canal.

4,000 acres for the improvement of the St. Joseph river.

Mr. Schoolcraft called for the previous question, which was lost by yeas and nays :

Yeas—Messrs. Axford, Brown, Cady, Wm. Gage, Godfrey, Haggaman, Howe, Johnson, King, McLeod, Moore, Mottram, Patterson, Schoolcraft, Seely, Snell, Vaughn, Vickery, Speaker—19.

Nays—Messrs. Anderson, Andrews, Barnard, Beach, Bush, Carpenter, J. L. Gage, Goodwin, Hixon, Lacey, Lamb, Lethrop, Lawrence, Lee, Littlejohn, Livermore, McCamly, Murray, Olds, Poppleton, Pratt, Provost, Purdy, Rice, Rix, Rowland, Smith, Snow, Videto, Waldron, Weld, Younglove—32.

Mr. Bush proposed to amend the amendment by adding :

“And five thousand acres on the Detroit and Grand river road.”

Mr. Lamb offered the following substitute, to which Mr. Bush consented his amendment should be attached :

• Sec. 4. The board of internal improvement are hereby further authorized to draw warrants on fifty thousand acres of state lands under the restrictions of the preceding section and for the following purpose, to wit :

16,000 acres for the prosecution of the Clinton and Kalamazoo canal.

15,000 acres on the Northern railroad, for the purpose of converting the same into a turnpike or wagon road.

5,000 acres for the purpose of constructing a canal round the rapids of Grand river.

5,000 acres for the improvement of the St. Joseph river.

4,000 acres for the improvement of the Shiawassee river.

5,000 acres on the Detroit and Grand river road.

The question being taken by yeas and nays the same was carried :

Yeas—Messrs. Andrews, Axford, Barnard, Beach, Brown, Bush, Cady, J. L. Gage, Goodwin, Lacey, Lamb, Lawrence, Lee, Little-

John, Livermore, McCamly, McLeod, Mottram, Murray. O'Keeffe, Olds, Poppleton, Pratt, Provost, Purdy, Rix, Seely, Snell, Vaughn, Videto, Waldron—31.

Nays—Messrs. Anderson, Carpenter, Wm. Gage, Godfroy, Hagaman, Hixon, Howe, Johnson, King, Lothrop, Moore, Patterson, Rice, Rowland, Schoolcraft, Smith, Snow, Vickery, Younglove, Speaker—21.

Mr. Lacey demanded the previous question which was carried as follows :

Yeas—Messrs. Andrews, Barnard, Brown, Bush, Cady, J. L. Gage, Wm. Gage, Godfroy, Goodwin, Howe, Johnson, King, Lacey, Lamb, Lothrop, Lee, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, O'Keeffe, Patterson, Poppleton, Pratt, Provost, Purdy, Rice, Rix, Schoolcraft, Smith, Snell, Vaughn, Vickery, Videto, Waldron, Weld, Speaker—34.

Nays—Messrs. Anderson, Axford, Beach, Carpenter, Hagaman, Hixon, Lawrence, Murray, Olds, Rowland, Seely, Snell, Younglove—13.

The question then being taken by yeas and nays on ordering the bill to be engrossed, it failed by the following vote :

Yeas—Messrs. Andrews, Brown, Cady, Godfroy, Goodwin, Johnson, Lacey, Lamb, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Mottram, O'Keeffe, Provost, Purdy, Rice, Rix, Vaughn, Vickery, Videto, Waldron, Weld, Speaker—26.

Nays—Messrs. Anderson, Axford, Barnard, Beach, Bush, Carpenter, J. L. Gage, Wm. Gage, Hagaman, Hixon, Howe, King, Lee, Moore, Murray, Olds, Patterson, Poppleton, Pratt, Rowland, Schoolcraft, Seely, Smith, Snell, Snow, Younglove—26.

And the House then adjourned until to-morrow morning, at 10 o'clock.

THURSDAY, February 16, 1843.

The House met pursuant to adjournment.

The members were all present except Mr. Goodell.

The journal of yesterday was read and corrected.

PETITIONS.

By Mr J. L. Gage. Of citizens of the county of Genesee, praying for the construction of a wagon road on the line of the Northern railroad. Laid on the table.

By Mr. Lamb. Of citizens of Lapeer for the same purpose. Laid on the table.

By Mr. Carpenter. Of legal voters of Lenawee county for expunging the word white from the constitution. Referred to the select committee on that subject.

By Mr. Lamb. Two several petitions of citizens of Lapeer against setting off the western tier of townships. Referred to the committee on towns and counties.

By Mr. Snow. Of John Silvers and 19 others, tax payers of the township of Tecumseh, county of Lenawee, praying that the time for the collection of taxes in said township be extended until the twentieth day of March next. Referred to committee of ways and means.

REPORTS.

Mr. Rice from the committee on education, reported back the Senate bill relative to primary schools, which was ordered to be printed.

Mr. O'Keeffe from the committee on federal relations, made the following report :

The report of the committee on federal relations to whom was referred the memorial of James G. Birney, asking of this legislature "to assert before the nation and the world, that Michigan is not bound by the ordinance of 1787, and of course not by the constitution of the United States, to deliver up fugitives from service and labor who may escape from the "new" slave states, and be found in this state."

Your committee beg leave to report, that they have had the same under full and reiterated considerations, arising from a perfect confidence in the benevolence of motives and philanthropy of purpose, which has prompted the memorialist and imparted the same in very happy and glowing terms to the memorial itself.

But your committee would respectfully state, that they are irresistibly led to the conclusion that it would be an unjustifiable assumption to intrude an opinion upon a subject, the more direct province of judicial action, to whom it must be exclusively referred for ultimate and federal decision, and who would not of course be governed by the volunteer suggestion of a legislature, who had not clothed such opinions with any legal enactment.

Your committee would therefore beg leave to recommend that "the assertion" thus solicited be withheld, and ask to be discharged from the further consideration of the subject.

GEO. A. O'KEEFE,

Chairman Committee Federal Relations.

And the committee were discharged from the further consideration of the subject.

Mr. Snow from the committee on claims, to whom was referred the claim of Baldwin and Whitney for one locomotive steam engine and for insurance on the same, begged leave to report, that they have had the subject under consideration, have duly investigated the merits of the claim, and from the testimony they have received, they are induced to believe that the claim so far as relates to the insurance on the engines is unjust, and should not be allowed. The committee are informed from respectable sources, that the engines were to be shipped at the risk of the vendors, and not at the risk of the state. The state was to pay the transportation on the engines, but not the insurance ; and lest the state might be considered liable for any loss or damage that might accrue to the engines, whilst they were being transported from Philadelphia to Detroit, the commissioners very properly stipulated with the vendors that the engines should be shipped in their name, so that the state should not be bound to receive the engines, or pay for them, unless they arrived in good order, and for this reason the committee believe the engines were shipped in the name of the vendors, and not for the reason as stated in the memorial. So much of the claim as purports to be for the engine, the committee believe to be just, but as the commissioners are already authorised to pay the demand, and will do so, as early in the spring as they are in possession of the proper kind of funds, the committee are of the opinion that further legislation is unnecessary. The committee ask to be discharged from the further consideration of the subject,

F. S. SNOW,
Chairman.

And the committee were discharged.

Mr. Bush from the committee on banks and incorporations, to whom was referred two Senate bills, one to amend an act entitled an act to amend an act to incorporate the village of Marshall, and for other purposes, approved Feb. 12, 1912, and the other an act to amend an act entitled an act to amend an act entitled an act to incorporate the village of Ypsilanti, have had the same under consideration, and have instructed me as their chairman, to report them back to the House without amendment, and recommend their passage; and the said bills were referred to the committee of the whole.

Mr. Littlejohn, from the committee on the judiciary, to whom was referred the bill to amend part 1st, title 7th, chapter 6th, of the revised statutes, "relative to the interest of money," having considered the same, would report it back to the House without amendment, and without any recommendation as to the action of the House; and said bill was referred to the committee of the whole.

Mr. Littlejohn, from the committee on the judiciary, to whom was referred the Senate bill authorizing mortgagees and judgment creditors to redeem real estate sold for taxes and assessments, would report the same to the House and recommend its passage; and the same was referred to the committee of the whole.

Mr. Littlejohn, from the committee on the judiciary, to whom was referred the "bill for the relief of bail of prisoners on the jail limits," with an amendment from the Senate, would report the bill back, recommending a non-concurrence in the amendment; and the same was laid on the table.

Mr. Pratt, pursuant to notice, obtained leave to introduce a "bill to erect a toll gate and for keeping in repair the Detroit and Saginaw road, and for other purposes," and the same was referred to the committee on roads and bridges.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, }
Feb. 16, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit “a bill to extend the time for the collection of taxes in the city of Detroit,” which the Senate have passed, and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,
Sec’y of Senate.

And said bill was referred to the committee on ways and means.

SENATE CHAMBER, }
Feb. 15, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit “a bill to organize a Land Office, and to regulate the sale of the public lands,” which the Senate have passed, and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,
Sec’y of Senate.

And the said bill was referred to the committee on university and other lands.

GENERAL ORDER.

The Speaker announced the general order, when

Mr. Anderson moved the reconsideration of the vote on engrossing the "bill making appropriations on the Central and Southern railroads for the year A. D. 1843," which motion prevailed by yeas and nays as follows :

Yeas—Messrs. Anderson, Andrews, Beach, Brown, Cady, J. I. Gage, Godfrey, Goodwin, Hixon, Howe, Johnson, King, Lacey, Lamb, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, O'Keefe, Provost, Purdy, Rice, Rix, Schoolcraft, Smith, Vaughn, Vickery, Videto, Waldron, Weld, Speaker—38.

Nays—Messrs. Axford, Barnard, Bush, Carpenter, Wm. Gage, Hagaman, Lee, Murray, Olds, Patterson, Poppleton, Pratt, Rowland, Seely, Snell, Snow, Younglove—17.

Mr. McLeod moved a reconsideration of the vote on the adoption of the substitute, which prevailed :

Yeas—Messrs. Anderson, Andrews, Axford, Beach, Brown, Godfrey, Goodwin, Hixon, Howe, Johnson, King, Lothrop, Littlejohn, Livermore, McCamly, McLeod, Moore, O'Keefe, Patterson, Purdy, Rice, Rix, Schoolcraft, Smith, Vaughn, Vickery, Videto, Waldron, Speaker—30.

Nays—Messrs. Barnard, Bush, Cady, Carpenter, J. L. Gage, Wm. Gage, Hagaman, Lacey, Lamb, Lawrence, Lee, Mottram, Murray, Olds, Poppleton, Pratt, Provost, Seely, Snell, Snow, Weld, Younglove—23.

Mr. Patterson moved a reconsideration of the vote on the previous question, which prevailed :

Yeas—Messrs. Andrews, Axford, Barnard, Beach, Bush, Cady, Carpenter, J. L. Gage, Wm. Gage, Hagaman, Lamb, Lee, McLeod, Murray, Olds, Patterson, Poppleton, Pratt, Provost, Purdy, Rix, Rowland, Seely, Snell, Snow, Vickery, Waldron, Younglove, Speaker—24.

Nays—Messrs. Anderson, Brown, Godfroy, Goodwin, Hixon, Howe, Johnson, King, Lacey, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, Moore, Mottram, O'Keefe, Rice, Schoolcraft, Smith, Vaughn, Videto, Weld—23.

The question was then taken on putting the previous question and lost :

Yeas—Messrs. Brown, Cady, Wm. Gage, Godfroy, Goodwin, Hixon, Howe, King, Lothrop, Livermore, Moore, Mottram, O'Keefe, Rice, Schoolcraft, Vaughn—17.

Nays—Messrs. Anderson, Andrews, Axford, Barnard, Beach, Bush, Carpenter, J. L. Gage, Hagaman, Johnson, Lacey, Lamb, Lee, Littlejohn, McCamly, McLeod, Murray, Olds, Patterson, Poppleton, Pratt, Provost, Purdy, Rix, Rowland, Seely, Snell, Snow, Vickery, Vaughn, Waldron, Weld, Younglove, Speaker—24.

The question being on the substitute, Mr. Patterson offered the following, which was amended on motion of Mr. Lothrop and Mr. McLeod :

That the bill be committed to the committee on internal improvements with instructions to ascertain and report to this House, the amount of the domestic indebtedness of the state, expended in the construction of its works of internal improvement, estimating the construction of the Central railroad to Marshall, and the Southern to Hillsdale, up to the end of the present year, and that the excess of the avails of the 500,000 acres of land (at \$1 50 per acre) over and above the amount necessary to liquidate said indebtedness, be appropriated to the prosecution of the Central railroad, and that such provisions as are necessary to carry these views out be incorporated in said bill besides the provisions for ironing the road and paying the interest on the warrants in existence.

The question being taken by yeas and nays, the same was lost :

Yeas—Messrs. Axford, Barnard, Beach, Bush, Carpenter, J. L. Gage, Wm. Gage, Hagaman, Lee, Murray, Olds, Patterson, Poppleton, Pratt, Rowland, Seely, Snell, Younglove—18.

Nays—Messrs. Anderson, Andrews, Brown, Cady, Godfroy, Goodwin, Hixon, Howe, Johnson, King, Lacey, Lamb, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, O'Keeffe, Provost, Purdy, Rice, Rix, Schoolcraft, Smith, Snow, Vaughn, Vickery, Videto, Waldron, Weld, Speaker—34.

Mr. Lamb amended his substitute by deducting 1000 acres from the appropriation on the Northern railroad, and appropriate 1000 acres of state land for the construction of a bridge over Cass river.

The question being divided was first taken on the Clinton and Kalamazoo canal, resulted as follows :

Yeas—Messrs. Andrews, Axford, Barnard, Beach, Bush, Cady, J. L. Gage, Godfroy, Goodwin, Lacey, Lamb, Lawrence, Lee, Littlejohn, Livermore, McCamly, O'Keeffe, Poppleton, Pratt, Provost, Purdy, Rix, Schoolcraft, Seely, Snell, Vaughn, Videto, Waldron, Speaker—29.

Nays—Messrs. Anderson, Brown, Carpenter, Wm. Gage, Hagaman, Hixon, Howe, Johnson, King, Lothrop, McLeod, Moore, Mottram, Murray, Olds, Patterson, Rice, Rowland, Smith, Snow, Vickery, Weld, Younglove—23.

The question was next taken on the Northern railroad, and lost by the following vote :

Yeas—Messrs. Andrews, Barnard, Beach, Bush, Cady, Carpenter, J. L. Gage, Goodwin, Lacey, Lamb, Lawrence, Lee, Littlejohn, Livermore, McCamly, O'Keeffe, Poppleton, Pratt, Provost, Rix, Seely, Snell, Waldron, Weld—24.

Nays—Messrs. Anderson, Axford, Brown, Wm. Gage, Godfroy, Hagaman, Hixon, Howe, Johnson, King, Lothrop, McLeod, Moore, Mottram, Murray, Olds, Patterson, Purdy, Rice, Rowland, Schoolcraft, Smith, Snow, Vaughn, Vickery, Videto, Younglove, Speaker—23.

The next was on the appropriation for a canal around the rapids on Grand river at Grand Rapids :

Yeas—Messrs. Andrews, Barnard, Beach, Bush, Cady, Carpenter, J. L. Gage, Goodwin, Lamb, Lee, Patterson, Pratt, Provost, Rix, Seely—15.

Nays—Messrs. Anderson, Axford, Brown, Wm. Gage, Godfroy, Hagaman, Hixon, Howe, Johnson, King, Lacey, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, Murray, O'Keeffe, Olds, Poppleton, Purdy, Rice, Rowland, Schoolcraft, Smith, Snell, Snow, Vaughn, Vickery, Videto, Waldron, Weld, Younglove, Speaker—37.

The question then being on the appropriation on the St. Joseph river, was lost by yeas and nays as follows :

Yeas—Messrs. Anderson, Andrews, Barnard, Beach, Brown, Bush, Cady, J. L. Gage, Goodwin, Lacey, Lamb, Lawrence, Lee, Littlejohn, McCamly, Murray, Patterson, Pratt, Provost, Rix, Schoolcraft, Seely, Vaughn, Waldron, Weld, Speaker—26.

Nays—Messrs. Axford, Carpenter, Wm. Gage, Godfroy, Hagaman, Hixon, Howe, Johnson, King, Lothrop, Livermore, McLeod, Moore, Mottram, O'Keeffe, Olds, Poppleton, Purdy, Rice, Rowland, Smith, Snell, Snow, Vickery, Videto, Younglove—23.

The question being taken on the appropriation for the improvement of the Shiawassee river, was lost as follows :

Yeas—Messrs. Barnard, Beach, Bush, Cady, J. L. Gage, King, Lacey, Lamb, Lawrence, Lee, McCamly, Murray, Pratt, Provost, Seely, Waldron—17.

Nays—Messrs. Anderson, Andrews, Axford, Brown, Carpenter, Wm. Gage, Godfroy, Goodwin, Hagaman, Hixon, Howe, Johnson, Lothrop, Littlejohn, Livermore, McLeod, Moore, Mottram, O'Keeffe, Olds, Patterson, Poppleton, Purdy, Rice, Rowland, Schoolcraft, Smith, Snell, Snow, Vaughn, Vickery, Videto, Weld, Younglove, Speaker—35.

The appropriation on the Detroit and Grand river road, was lost by the following vote :

Yeas—Messrs. Axford, Barnard, Beach, Bush, Cady, J. L. Gage, Lacey, Lee, Murray, O'Keeffe, Poppleton, Pratt, Provost, Rix, Rowland, Seely, Smith, Snell—18.

Nays—Messrs. Anderson, Andrews, Brown, Carpenter, William Gage, Godfrey, Goodwin, Hagaman, Hixon, Howe, Johnson, King, Lamb, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, Olds, Patterson, Purdy, Rice, Schoolcraft, Snow, Vaughn, Vickery, Videto, Waldron, Weld, Younglove, Speaker—34.

Next for construction of a bridge across Cass river, was lost :

Yeas—Messrs. Anderson, Andrews, Axford, Beach, Brown, J. L. Gage, Godfrey, Goodwin, Lawrence, Lee, Littlejohn, Livermore, McCamly, Pratt, Purdy, Schoolcraft, Snell, Vaughn, Videto, Waldron, Speaker—23.

Nays—Messrs. Barnard, Bush, Carpenter, Wm. Gage, Hagaman, Hixon, Johnson, King, Lacey, Lamb, Lothrop, McLeod, Moore, Mottram, Murray, Olds, Patterson, Poppleton, Provost, Rice, Rix, Rowland, Seely, Smith, Snow, Vickery, Weld, Younglove—28.

Mr. Rice sent up an amendment which was debated until the hour of adjournment.

The House then adjourned until half-past two o'clock P. M.

AFTERNOON SESSION.

Half-past 2 o'clock P. M.

The Speaker decided the amendment of Mr. Rice out of order, which was accordingly withdrawn.

Mr. Schoolcraft moved the previous question.

Mr. Lothrop moved a call of the House which prevailed ; six members absent.

The Sergeant-at-arms was instructed to bring in absentees.

Mr. Moore moved to suspend further proceedings under the call, which he subsequently withdrew.

Mr. McLeod renewed the motion.

Mr. Lamb moved to lay the motion on the table;

Whereupon Mr. Bush called for the ayes and nays, and the motion prevailed by the following vote:

Yeas—Messrs. Andrews, Axford, Barnard, Beach, Brown, Bush, Cady, Carpenter, J. L. Gage, Wm. Gage, Goodell, Godfroy, Hagaman, Hixon, Howe, King, Lamb, Lothrop, Lee, Murray, O'Keeffe, Patterson, Pratt, Provost, Purdy, Rice, Rix, Rowland, Seely, Snell, Snow, Waldron, Weld, Younglove, Speaker—35.

Nays—Messrs. Anderson, Goodwin, Johnson, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, Olds, Poppleton, Schoolcraft, Vaughn, Vickery, Videto—17.

Mr. McCamly moved leave of absence for Mr. Lacey.

Mr. Lamb moved to lay this motion on the table, which was carried.

The motion of Mr. Littlejohn to take up the motion of Mr. McLeod to suspend further proceedings under the call, was lost as follows:

Yeas—Messrs. Anderson, Andrews, Brown, Godfroy, Goodwin, Hixon, Howe, Johnson, King, Lothrop, Lawrence, McCamly, McLeod, Mottram, O'Keeffe, Purdy, Rix, Rowland, Vickery, Speaker—19.

Nays—Messrs. Axford, Barnard, Beach, Bush, Cady, Carpenter, J. L. Gage, Wm. Gage, Goodell, Hagaman, Lamb, Lee, Littlejohn, Livermore, Moore, Murray, Olds, Patterson, Poppleton, Pratt, Provost, Rice, Schoolcraft, Seely, Smith, Snell, Snow, Vaughn, Videto, Waldron, Weld, Younglove—32.

Mr. McLeod moved an inquiry into the reason of the absence of Mr. Lacey,

Which on motion of Mr. Lamb was laid on the table.

On motion of Mr. Lothrop, further proceedings under the call was dispensed with.

The question was then taken whether the previous question should be then put ; carried as follows :

Yeas—Messrs. Anderson, Andrews, Barnard, Brown, Wm. Gage, Goodell, Godfroy, Goodwin, Hixon, Howe, Johnson, King, Lacey, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Moore, O'Keeffe, Patterson, Purdy, Rice, Schoolcraft, Smith, Vaughn, Vickery, Videto, Waldron, Weld, Speaker—32.

Nays—Messrs. Axford, Beach, Bush, Cady, Carpenter, J. L. Gage, Hagaman, Lamb, Lee, Mottram, Murray, Olds, Poppleton, Pratt, Provost, Rix, Rowland, Seely, Snow, Younglove—21.

The question was now taken on ordering the bill engrossed for a third reading, which prevailed :

Yeas—Messrs. Anderson, Andrews, Brown, Goodell, Godfroy, Goodwin, Hixon, Howe, Johnson, King, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, O'Keeffe, Purdy, Rice, Schoolcraft, Smith, Vaughn, Vickery, Videto, Waldron, Weld, Speaker—29.

Nays—Messrs. Axford, Barnard, Beach, Bush, Cady, Carpenter, J. L. Gage, Wm. Gage, Hagaman, Lacey, Lamb, Lee, Murray, Olds, Patterson, Poppleton, Pratt, Provost, Rix, Rowland, Seely, Snell, Snow, Younglove—24.

Mr. Bush called up for consideration the resolution amending the constitution, proposed last winter, and the vote being taken, the House refused to agree by the following vote :

Yeas—Messrs. Axford, Barnard, Beach, Brown, Bush, Cady, Carpenter, J. L. Gage, Goodell, Godfroy, Hagaman, Hixon, Howe, Johnson, Lacey, Lamb, Lee, McCamly, Murray, Olds, Patterson, Poppleton, Pratt, Provost, Purdy, Rice, Rix, Rowland, Seely, Smith, Snell, Snow, Younglove, Speaker—34.

Nays—Messrs. Anderson, Andrews, Goodwin, King, Lothrop, Lawrence, Littlejohn, McLeod, Moore, Mottram, O'Keeffe, Vaughn, Vickery, Waldron, Weld—15.

Mr. Johnson called up the bill to secure the pre-emption rights to the purchase of certain lands to the person therein named, and the

House resolved itself into committee of the whole, Mr. Goodwin in the chair.

The committee rose and reported the same back with amendments, which were concurred in, and the bill was ordered to a third reading.

On motion of Mr. Johnson, the rules were suspended and the bill passed.

On motion of Mr. Littlejohn, the bill to repeal sections 43 and 46, of chapter 1, title 7, part 1, of the revised statutes, was taken up, the rule suspended and the bill passed.

On motion of Mr. Lothrop, the bill to amend an act entitled "an act for the regulation of internal improvement, passed March 25, 1840," was taken up, the committee of the whole discharged therefrom, and the same being under consideration, Mr. Waldron sent up the following substitute for the whole bill :

Section 1. Be it enacted by the Senate and House of Representatives of the state of Michigan, That whenever any person or persons, who shall be lawfully entitled to receive any damages occasioned by the construction of any of the works of internal improvement of this state, shall notify the board of internal improvement, of the nature and extent of his or their claim for damages, it may be lawful and it shall be the duty of the board of internal improvement, to select one appraiser, the claimant another, and the two thus chosen shall select a third, all of whom shall be freeholders, and neither directly nor indirectly interested in the damages claimed, and the said appraisers, after taking and subscribing an oath before some person authorized to administer the same, faithfully and impartially to discharge the duties of their trust, shall proceed to inquire into and assess the damages so claimed, and their certificate, or that of any two of them, as to the amount that shall be paid, shall be conclusive ; and such certificate shall be sufficient authority for the Auditor General to draw his warrant for the amount of such assessment.

Sec. 2. The provisions of this act shall apply to any person or persons who shall be dissatisfied with any appraisal or assessment

made in pursuance of the 16th section of the act to which this is amendatory.

And the question being taken on the substitute, the same was lost, and the bill was ordered to a third reading.

Mr. Goodwin moved a reconsideration of the vote in relation to the amendment of the constitution, which prevailed; whereupon there was a call of the House, and three members were absent.

Mr. Mottram obtained leave of absence for Mr. Weld, for the afternoon, on account of indisposition.

Mr. McCamly for Mr. Videto, the same.

On motion of Mr. Bush, further proceedings under the call were dispensed with, and on motion of Mr. Lamb, the subject was laid on the table.

NOTICES.

Mr. Lawrence gave notice that he would at an early day, ask leave to introduce a bill to amend "an act to repeal a part of chapter eight, title fifth, part 1st, of the revised statutes, and for other purposes," approved Feb. 17, 1842.

Mr. Mottram gave notice that he would on a future day, bring in a bill for the improvement of the St. Joseph river.

And the House adjourned until half-past ten o'clock to-morrow morning.

FRIDAY, February 17, 1843.

The House met pursuant to adjournment.

Members all present except Mr. Seely.

The journal of yesterday was read and approved.

Mr. Axford asked for and obtained leave of absence for Mr. Seely until Monday.

CLAIMS.

By Mr. Younglove. Five several claims of Ellis and Briggs for printing in 1842. Referred to the committee on claims.

By the same. Claim of John Prentis. Same reference.

REPORTS.

Mr. Bush from the committee on banks and incorporations to whom was referred the petition of Potter and Lockwood asking the privilege to build a dam across Grand river, having had the same under consideration, reported the following bill and recommended its passage :

"A bill to authorize the erection of a dam across Grand river, in the county of Ingham," and said bill was referred to the committee of the whole, and ordered to be printed.

Mr. Littlejohn, from the committee on the judiciary, to whom was referred the bill to amend an act entitled an act to provide for the voluntary dissolution of corporations, &c. having examined the same, reported it back to the House recommending its passage.

And the same was referred to the committee of the whole.

Mr. Moore, from the committee on roads and bridges, having had under consideration "a bill to erect a toll gate, and for keeping in repair the Detroit and Saginaw road, and for other purposes," reported the same back, and recommended the passage of the same.

And the bill was referred to the committee of the whole, and ordered to be printed.

Mr. Littlejohn, from the committee on the judiciary to whom was referred the petition of John D. Pierce and others for the passage of a law relative to the appraisal of damages occasioned by mill darts, believing that the relief sought is fully embraced in a Senate bill now before the House, reported said petition back to the House, and prayed to be discharged from its further consideration:

And the committee were accordingly discharged.

Mr. Littlejohn from the committee on the judiciary, to whom was referred the Senate bill "to authorize Wm. L. Whipple and others to release their interest in certain real estate," having examined the same, reported it back without amendment, and the bill was referred to the committee of the whole.

Mr. Littlejohn from the committee on the judiciary to whom was referred the bill "in relation to criminal proceedings," having examined the same and although they are disposed to regard some of its provisions as salutary, yet they felt disposed to report the bill back to the House with a recommendation that it do not pass.

And the bill was referred to the committee of the whole and ordered to be printed.

Mr. Weld pursuant to notice obtained leave to introduce a bill to amend "an act to exempt certain property from execution or sale for any debt, damages, fine or amercement," approved Feb. 16, 1842, and said bill was referred to the committee on the judiciary.

Mr. Hagaman from the select committee to whom was referred printed bill number nineteen, relative to exempting property from taxation and the substitute offered by Mr. Hagaman, have had

the same under consideration and come to the conclusion that there should be some legislative action upon the subject therein contained, and therefore introduced the following bill and recommend its passage :

"A bill to amend the revised statutes relative to exempting property from taxation," which bill was referred to the committee of the whole and ordered to be printed.

RESOLUTIONS.

Mr. Snow laid the following joint resolution upon the table :

Joint resolution relative to the claim of Zephaniah Platt.

Resolved by the Senate and House of Representatives of the state of Michigan, That the claim of Zephaniah Platt, he, and the same is hereby referred to the state treasurer, auditor general and secretary of state, who are hereby authorized and required to make a just and equitable settlement of the same, and in case they shall award any sum to the said claimant, they are hereby authorised to give him a certificate for the amount so awarded him, and the state treasurer is hereby required to pay said sum out of any money in the treasury not otherwise appropriated.

On motion of Mr. Lathrop, the clerk was instructed to change the vote of Mr. Mottram of St. Joseph, on the question to make appropriations on the St. Joseph river, from the negative to the affirmative on the information communicated to the House by that gentleman, that he labored under a mistaken impression of the question, and on the request of Mr. Lamb, of Lapeer, change his vote from the affirmative to the negative, which does not vary the result.

Mr. Livermore asked for and obtained leave to withdraw the petition of certain medical gentlemen of the county of Jackson.

Mr. Hagaman asked and obtained leave to withdraw the petition of sundry citizens of school district number 2, in the township of

Hudson in the county of Lenawee, praying for the passage of a law to correct certain imperfect descriptions in the assessment of the years 1840 and 1842.

Mr. Moore gave notice that he will on some future day ask leave to introduce a bill to amend sec. 22, part 1, title 9, chapter 2, of the revised statutes, regarding the relief ordered for poor persons.

BILLS PASSED.

The "bill to amend an act for the regulation of internal improvement passed March 25, 1840," being amended for a third reading, the same was read and passed by yeas and nays as follows :

Yeas—Messrs. Anderson, Andrews, Axford, Barnard, Beach, Brown, Cady, J. L. Gage, Wm. Gage, Goodell, Godfrey, Goodwin, Hixon, Howe, Johnson, King, Lacey, Lothrop, Lawrence, Lee, Littlejohn, Livermore, McCamly, McLeod, Moore, O'Keefe, Patterson, Poppleton, Pratt, Provost, Purdy, Rice, Rix, Rowland, Smith, Snell, Vaughn, Videto, Weld—39.

Nays—Messrs. Bush, Carpenter, Hagaman, Lamb, Mottram, Murray, Olds, Schoolcraft, Snow, Vickery, Waldron, Younglove, Speaker—13.

The engrossed "bill making appropriations on the central and and southern rail road," being announced for a third reading,

Mr. McLeod demanded the previous question, and the yeas and nays being taken whether the demand should be sustained, it prevailed as follows :

Yeas—Messrs. Anderson, Andrews, Brown, Cady, Goodell, Godfrey, Goodwin, Hixon, Howe, Johnson, King, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, O'Keefe, Purdy, Rice, Rix, Schoolcraft, Vaughn, Vickery, Videto, Speaker—28.

Nays—Messrs. Axford, Barnard, Beach, Bush, Carpenter, J. L. Gage, Wm. Gage, Hagaman, Lacey, Lamb, Lee, Murray, Olds, Patterson, Poppleton, Pratt, Provost, Rowland, Smith, Snell, Snow, Waldron, Weld, Younglove—24.

The question then being taken whether the previous question be now put, it was ordered by the following vote :

Yeas—Messrs. Anderson, Andrews, Brown, Cady, Goodell, Godfroy, Goodwin, Hixon, Howe, Johnson, King, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, O'Keeffe, Purdy, Rice, Rix, Vaughn, Vickery, Videto, Speaker—28.

Nays—Messrs. Axford, Barnard, Beach, Bush, Carpenter, J. L. Gage, Wm. Gage, Hagaman, Lacey, Lamb, Lee, Murray, Olds, Patterson, Poppleton, Pratt, Provost, Rowland, Smith, Snell, Snow, Waldron, Weld, Younglove—24.

The final question being taken, the bill was passed by yeas and nays :

Yeas—Messrs. Anderson, Andrews, Brown, Cady, Goodell, Godfroy, Goodwin, Hixon, Howe, Johnson, King, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, O'Keeffe, Purdy, Rice, Schoolcraft, Smith, Vaughn, Vickery, Videto, Waldron, Weld, Speaker—30.

Nays—Messrs. Axford, Barnard, Beach, Bush, Carpenter, J. L. Gage, Wm. Gage, Hagaman, Lacey, Lamb, Lee, Murray, Olds, Patterson, Poppleton, Pratt, Provost, Rix, Rowland, Snell, Snow, Younglove—22.

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GENERAL ORDER.

The Speaker announced the general order, and the House resolved itself into committee of the whole on the general order, Mr. Hagaman in the chair.

After going through the following numbered and entitled bills and joint resolution, the committee rose and reported the same back to the House :

1. A bill to amend certain penal provisions contained in the revised statutes, without amendment.
2. A bill to authorize David Vinnedge, guardian of Marcus Packard, a minor, to convey certain real estate, without amendment.
3. Joint resolution relative to claim of Robert Patrick and James E. Brown, without amendment.
4. A bill authorizing the settlement of the claims of Daniel Thurston for damages arising from the construction of the state mill dam at Frederick, in Macomb county, without amendment.
5. Senate bill to prevent mortgagors and judgment debtors from destroying or impairing the securities therein mentioned, with amendments.

The House having the report under consideration, the rules were suspended, and

Nos. 1 and 2 were passed,

No. 3 being considered, all after the word "Resolved" was stricken out, and the title indefinitely postponed.

The House then adjourned until half-past two o'clock.

AFTERNOON SESSION.

Half-past 2 o'clock.

No. 4 being under consideration, was referred to the committee on the judiciary.

No. 5. The House concurred in the first amendment to this bill, when all after the enacting clause was stricken out, and the enacting clause indefinitely postponed by the following vote:

Yeas—Messrs. Anderson, Cady, Carpenter, Wm. Gage, Goodall, Godfrey, Goodwin, Hixon, Howe, Lacey, Lamb, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, Patterson, Poppleton, Pratt, Purdy, Rice, Rix, Schoolcraft, Vaughn, Vickery, Speaker—23.

Nays—Messrs. Andrews, Axford, Barnard, Beach, Bush, J. L. Gage, Hagaman, King, Lothrop, Lee, Murray, O'Keefe, Olds, Rowland, Smith, Snell, Snow, Waldron, Weld, Younglove—20.

Mr. Mottram, pursuant to notice, obtained leave to introduce a "bill making appropriation for the improvement of the St. Joseph river," which was referred to the committee on internal improvement.

Mr. Murray presented the petition of the School Inspectors of the township of Canton, praying for relief in respect to the apportionment of school moneys. Referred to committee on education.

UNFINISHED BUSINESS.

The "bill to regulate tax sales for the year 1843, and for other purposes," was taken up from the table, and being under consideration,

Mr. Lacey moved for a call of the House, which prevailed, and there were five absent.

Mr. Livermore asked for and obtained leave of absence for Mr. Videto, on account of indisposition.

On motion of Mr. Moore, further proceedings under the call were suspended.

The question arising on striking out sec. 8, and inserting substitute, was taken by yeas and nays, and prevailed by the following vote :

Yeas—Messrs. Axford, Barnard, Beach, Bush, Cady, J. L. Gage, Wm. Gage, Goodell, Godfrey, Hagaman, Hixon, Howe, King, Lothrop, Lee, McCamly, Mottram, Murray, O'Keeffe, Olds, Poppleton, Pratt, Purdy, Rice, Rix, Rowland, Snell, Snow—25.

Nays—Messrs. Anderson, Carpenter, Goodwin, Lacey, Lawrence, Littlejohn, Livermore, McLeod, Moore, Patterson, Schoolcraft, Smith, Vaughn, Vickery, Waldron, Weld, Younglove, Speaker—19.

On motion of Mr. Lothrop, sections 18 and 19 were stricken out.

Mr. Moore offered an amendment to come in immediately after section 20, and whilst the same was under discussion, on his motion the bill was laid on the table.

The "bill to provide for the transfer of real estate on execution and for other purposes," was then taken up, and,

On motion of Mr. Littlejohn, returned to the committee of the whole and ordered printed.

The "bill to prevent the concealment and embezzlement of the property of deceased persons," was then taken up, and the first amendment of the Senate concurred in, and the second rejected, when the bill was further amended by the House and passed.

The "bill to reduce the compensation allowed to associate judges of the circuit court," was taken up, and

On motion of Mr. Lamb, the further consideration of the same was indefinitely postponed.

The "bill to authorize a specific tax in the city of Detroit," being called up, was referred, on motion of Mr. Goodwin, to the committee on banks and incorporations.

The Senate "bill for the relief of Hester Jones," being under consideration, the amendment reported by the committee was non-concurred in by the following vote :

Yeas—Messrs. Anderson, Andrews, Axford, Barnard, Carpenter, J. L. Gage, Goodwin, Hagaman, Hixon, Howe, Johnson, King, Lamb, Livermore, McCamly, Olds, Purdy, Rice, Rowland, Vaughn, Speaker—22.

Nays—Messrs. Brown, Bush, Cady, Wm. Gage, Goodell, Godfrey, Lacey, Lothrop, Lee, Littlejohn, McClod, Moore, Mottram, Murray, Poppleton, Rix, Schoolcraft, Smith, Snell, Snow, Vickery, Weld, Younglove—23.

The bill was then read a third time and passed.

On motion of Mr. Lothrop, the "bill setting off real estate on execution, and for other purposes," was made the special order for Tuesday next.

On motion of Mr. Moore, the general tax bill was made the special order for Wednesday next.

On motion of Mr. Livermore, the "bill for the organization of the militia," was made the special order for Monday next.

Mr. Vickery gave notice that at an early day he shall ask leave to introduce a bill for the relief of E. N. Colt.

The House then adjourned until to-morrow morning at 10 o'clock

SATURDAY, February 18, 1843.

The members were present, except Mr. Seely on leave; and Messrs. Howe, Lee and Murray.

The journal of yesterday was read and corrected.

PETITIONS.

By Mr. McCaskey. Of citizens of the county of Calhoun and Kalamazoo; in relation to a state road.

By Mr. Weldon. Of 50 citizens of Florida, Hillsdale county, for the passage of an act legitimizing the taxes in said town for the year 1842. Referred to the committee on the judiciary.

By Mr. Bush. Nine several claims of C. H. Crane. Referred to the committee on claims.

Mr. Johnson from the committee on university, school and state lands, to whom was referred the Senate bill "to organize a land Office and to regulate the sale of the public lands," having had the same under consideration, reported the same back to the House without amendment, and recommended its passage; and said bill was referred to the committee of the whole.

Mr. O'Keefe, from the committee on federal relations, to whom was referred "an inquiry into the expediency of making a proposition to Congress to grant absolutely to the state the salt springs and lands adjoining the same heretofore granted for the use of the state,"

Urges him to report, that it would, in their opinion, be highly expedient.

cient to make such proposition, and would recommend the adoption of a resolution for such purpose in corroboration of our representatives in both houses of congress.

Resolved, That our representatives in both houses of congress, be respectfully instructed to solicit from congress an absolute grant to this state of the salt springs and lands adjoining, heretofore granted for the use of the state, and that the executive be requested to transmit copies of the same.

GEO. A. O'KEEFFE,

Chairman of Committee.

Mr. Moore, from the committee on roads and bridges, to whom was referred a petition of sundry inhabitants of the county of Kalamazoo, praying for an appropriation to be expended on a road in the township of Brady, in the county of Kalamazoo, was instructed to report adverse to said prayer, and asked to be discharged from the farther consideration of the same; and the committee were discharged.

Mr. Moore from the committee on roads and bridges, to whom was referred the petition of sundry inhabitants of the county of Saginaw, praying that an appropriation may be made towards the laying out and making a state road from the village of Portsmouth to the road leading from Saginaw city to the Flint near Onas river, reported the same back to the House and requested to be discharged from the further consideration of the same, and that the petition be referred to the committee on internal improvement; the committee were discharged from its further consideration, and the petition referred accordingly.

Mr. Moore from the committee on roads and bridges, to whom was referred sundry petitions praying for the passage of laws to authorize commissioners to lay out and establish certain state roads, in ac-

pliance with said prayers reported "a bill for the legalizing and establishing the survey of the Chicago road in the town of Somerset, in the county of Hillsdale."

Also—to review and alter the state road leading from Jackson to White Pigeon through the township of Tecumsha.

Also—to lay out and establish a state road from Brighton in Livingston to Seymour's mills in Genesee county, and recommended the passage of the same.

And the bill was referred to the committee of the whole and ordered to be printed.

Mr. Livermore, pursuant to notice, obtained leave to introduce "a bill to amend an act to repeal a part of chapter 8, title 5, part 1 of the revised statutes, and for other purposes," approved Feb. 17, 1843, which bill was referred to the committee on the judiciary.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, }
Feb. 18, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate, to transmit a "joint resolution authorising the delivery of certain public documents to the superintendent of public instruction," which the Senate have adopted and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,
Sec'y of Senate.

And the said bill was referred to the committee of the whole.

SENATE CHAMBER, }
Feb. 18, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit to the House the following entitled bill, which the Senate have passed and respectfully ask the concurrence of the House therein:

“A bill to amend an act approved April 6th, 1838, entitled “an act to amend an act to incorporate the city of Monroe,” approved March 2d, 1837.”

Also—to return “a bill entitled “an act for the regulation of internal improvement,” passed March 25th, 1840, and respectfully inform the House that the Senate have concurred therein.

JAS. E. PLATT,
Sec’y of Senate.

And the first named bill was referred to the committee on banks and incorporations. The second ordered to be enrolled.

SENATE CHAMBER, }
Feb. 18, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return the “bill making ap-

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appropriations on the central and southern rail roads for the year 1843, and for other purposes," and to respectfully inform the House that the Senate have concurred therein.

JAS. E. PLATT,

Sec'y of Senate.

And said bill was ordered to be enrolled.

NOTICE.

Mr. McLeod, from Mackinac, gave notice that at some future day he will ask leave to introduce a bill to change the name of Francis W. Sherman to Francis W. Schoolcraft.

RESOLUTION.

On motion of Mr. Bush,

Resolved, That the acting commissioner of internal improvement be instructed to report to this House the proceeds and expenditures of the central rail road since his annual report.

LEAVE OF ABSENCE.

Mr. Olds asked for and obtained leave of absence for Mr. Murray until Monday.

Mr. Moore for Mr. Howe the same.

Mr. McLeod moved to reconsider the vote making the general tax bill the special order of the day for Wednesday.

Mr. Lamb moved to lay the motion on the table.

Mr. McLeod's motion prevailed.

On motion of Mr. McLeod, the vote making the militia bill the special order of the day for Monday, was reconsidered.

On motion of Mr. Moore, the general tax bill was made the special order for Monday.

On motion of Mr. Johnson, the "bill to organize a land office and regulate the sale of public lands," was made the special order for Wednesday, and

On motion of Mr. Livermore, the bill to organize the militia, was made the special order for Friday.

UNFINISHED BUSINESS.

Mr. Snow called up from the table his joint resolution of yesterday relative to the claim of Zephaniah Platt.

The same being under consideration,

Mr. Johnson moved to strike out the words "just and equitable," which motion was lost.

Mr. Carpenter moved to strike out the words "and required," which was lost.

Mr. Smith moved to strike out the word "resolved," and insert "be it enacted," which motion prevailed.

Mr. Lothrop moved a reference of the bill to the committee on the judiciary.

Mr. Littlejohn moved to amend by striking out judiciary, and inserting "botanic medicine," when,

On motion of Mr. Snow, the same was laid upon the table.

TAX BILL FOR 1843.

The "bill to regulate the sale of taxes for the year 1843, and for other purposes," being under consideration, and the question being on the amendment offered by Mr. Moore as amended by Mr. Littlejohn,

Mr. Lothrop moved to strike out the word "first," and insert "second," which motion was lost.

The amendment was then adopted.

Mr. Smith moved to strike out from section 11, all after the word "bonds," to the word "and" in the second line, and insert "heretofore issued, due or to become due," which motion prevailed.

On motion of Mr. Littlejohn, sec. 3 was amended by inserting in the 3d line "in said county," and by striking out "notice" in the 6th line, and inserting "statement."

Mr. Lamb moved to strike out sec. 3d, and insert "the Auditor General shall, at least four months prior to the first day of October next, transmit to each and every county treasurer of this state, a full and accurate statement of all lands delinquent for the payment of taxes and interest as aforesaid, calculated to the said first Monday of October, adding thereto the cost of advertising, messengers, postages and expenses of sale, returns thereof and conveyances calculated upon each description, by dividing the lawful charges by the whole number of descriptions, which list or statement of lands delinquent for the payment of taxes, interest and charges as above, shall be caused by the treasurer of the proper county to be published for twelve successive weeks, next previous to the first Monday of October, in a newspaper printed in each county where the lands aforesaid shall be offered for sale, and in case there is no newspaper prin-

ted in the county where the lands are situated, such notice shall be published in a newspaper printed in an adjoining county, or if there is no newspaper printed in an adjoining county, then in the nearest county in which a newspaper is printed: Provided, that the Auditor General shall cause the above notice to be given in such paper."

The question on this substitute being taken by yeas and nays, the same was lost as follows:

Yeas—Messrs. Barnard, Beach, Bash, Carpenter, Hagaman, Hixon, Lacey, Lamb, McLeod, Mottram, Poppleton, Pratt, Provost, Snell, Vickery, Waldron, Weld—17.

Nays—Messrs. Anderson, Andrews, Anford, Brown, Cady, J. L. Gage, Wm. Gage, Goodell, Godfrey, Goodwin, Johnson, King, Littlejohn, Livermore, McCamly, Moore, O'Keefe, Olds, Patterson, Purdy, Rice, Rix, Rowland, Schoolcraft, Smith, Snow, Vaughn, Vedeto, Younglove, Speaker—39.

Mr. Lamb then moved to insert at the end of the 3d section, the following proviso:

Provided the Auditor General shall receive propositions for the performance of the printing contemplated by the provisions of this act; and authorize the same to be published in the paper proposing; by its editor or proprietor, to do the same for the lowest price, giving good security for the performance thereof, to be approved by the Auditor General; and all saving that may be made by this provision, shall be passed to the credit of the county in which such saving shall be made.

Mr. Purdy sent up an amendment to the amendment.

Mr. Lamb then withdrew his.

Mr. Purdy moved to amend by inserting after the word "advertising" in the 4th line of section 4, "which shall not exceed twenty-five cents for each description."

Mr. Lamb then sent up the above proviso as a substitute therefor.

Mr. Littlejohn demanded the previous question, which being ordered,

The question was taken on Mr. Lamb's substitute, which was lost by yeas and nays :

Yeas—Messrs. Axford, Beach, Cady, Carpenter, Goodell, Haggaman, Lacey, Lamb, Poppleton, Pratt, Provost, Vickery, Vileto, Waldron, Well, Younglove—16.

Nays—Messrs. Anderson, Andrews, Barnard, Brown, Bush, J. L. Gage, Wm. Gage, Godfrey, Goodwin, Hixon, Lawrence, Littlejohn, McCamly, Moore, Mottram, O'Keeffe, Olds, Purdy, Rice, Rix, Rowland, Schoolcraft, Smith, Snell, Vaughn, Speaker—23.

The question being taken on Mr. Purdy's substitute, the same was lost.

The bill was then ordered to be engrossed for a third reading.

GENERAL ORDER.

On motion of Mr. McLeod, the House resolved itself into committee of the whole on the general order, Mr. McLeod in the chair.

After going through the "bill to amend an act approved April 15th, 1839," the committee rose and reported the same back to the House without amendments.

The question being on suspending the rule to order the bill to a third reading, the motion was lost by yeas and nays :

Yeas—Messrs. Axford, Barnard, Carpenter, Wm. Gage, Haggaman, Hixon, Lamb, Lawrence, Patterson, Poppleton, Pratt, Provost, Purdy, Rice, Snell, Snow—16.

Nays—Messrs. Anderson, Andrews, Beach, Brown, Bush, Cady, J. L. Gage, Goodell, Godfrey, Goodwin, King, Lacey, Littlejohn, McCamly, McLeod, Moore, Mottram, O'Keeffe, Olds, Rix, Smith, Vaughn, Vickery, Videto, Waldron, Well, Younglove, Speaker—28.

Mr. Snow called up the bill relative to the claim of Zephaniah Platt, when

Mr. Lothrop renewed his motion of reference to the committee on the judiciary, to be accompanied by the memorial and accounts.

The question was then taken on Mr. Littlejohn's amendment to refer it to the committee on botanic medicines, and lost by yeas and nays as follows :

Yeas—Messrs. Andrews, Beach, Brown, Cady, J. L. Gage, Goodell, Goodwin, Littlejohn, McLeod, Olds, Pratt—11.

Nays—Messrs. Anderson, Axford, Barnard, Bush, Carpenter, Wm. Gage, Godfroy, Hagaman, Hixon, King, Lam', Lothrop, Lawrence, Moore, Mottram, Patterson, Provost, Purdy, Rice, Rix, Smith, Snell, Snow, Vaughn, Vickery, Videto, Waldron, Weld, Younglove, Speaker—30.

Mr. Carpenter moved to amend Mr. Lothrop's motion by instructing the committee to "inquire likewise whether others have not been paid for services which the Attorney General neglected to perform," which motion was lost.

The question being then taken on the motion of Mr. Lothrop, the same prevailed.

Mr. Littlejohn tendered his resignation as chairman and as a member of the judiciary committee, which the House refused to accept.

On motion of Mr. Littlejohn, the House again resolved itself into committee of the whole on the general order, Mr. Lamb in the chair.

The committee went through the bill to provide for the preservation and completion of that portion of the Clinton and Kalamazoo canal between the villages of Rochester and Frederick, and reported the same back with an amendment, which was under discussion until the House adjourned.

MONDAY, February 20, 1843.

The House met pursuant to adjournment.

The members were all present.

The journal of Saturday was read and approved.

PETITIONS.

By Mr. Godfroy. Of Jane Greenfield for relief. Referred to the committee on claims.

By Mr. Videto. Of David Porter and Abram F. Bolton for damages occasioned by breach of contract with the acting commissioner of the state prison. Referred to the committee on state prison.

By Mr. Livermore. Of Drs. McNaughton, Rues and Sager and 26 others, physicians and citizens of the county of Jackson, relative to the disposition of deceased convicts. Referred to a select committee consisting of Messrs. Livermore, Goodwin and Cady.

REPORTS.

The Speaker announced a communication from Ellis and Briggs on the subject of the journal of the House of Saturday last, and also a communication from the Clerk of the House on the same subject, both of which were, together with the journals of the House, on motion of Mr. McLeod, referred to the committee on printing who are to take charge of the same until they shall make a report thereon.

Mr. Lothrop, from the committee of internal improvement to whom was referred a bill making appropriations for the improvement of the St. Joseph river, reported the bill back to the House with a substitute, which was referred to the committee of the whole.

Mr. Snow, from the committee on claims, reported on various claims and asked to be discharged from their further consideration, and the reference of their report to the committee on ways and means, and the committee were so discharged and the reference made.

Mr. Littlejohn, from the committee on the judiciary to whom was referred the bill to amend an act entitled an act to repeal a part of chapter 8, title 5, part 1. of revised statutes and for other purposes, approved Feb. 17, 1842, having considered the same, reported it back without amendment and recommended its passage.

And the bill was referred to the committee of the whole.

Mr. Littlejohn, as chairman of the committee to whom was referred the bill relative to the claim of Zepheniah Platt, with the accompanying memorial, reported the same back with an amendment ; and the bill was referred to the committee of the whole.

Mr. Littlejohn, from the committee on the judiciary to whom was referred the petition of citizens of Florida in the county of Hillsdale, to legalize the taxes therein for the year 1842, and also the village of Osseo, having considered the same and finding no informality or illegality set forth therein to govern their action, felt constrained for reasons heretofore given to report adverse to the petition and ask to be discharged from its further consideration.

And the committee were discharged accordingly.

Mr. Littlejohn, from the committee on the judiciary, to whom was referred "a bill to amend an act entitled an act to exempt certain property from execution or sale for any debt, damages, fine or amercement," approved Feb. 16, 1842, reported the same back with the recommendation that it *do not pass*.

Mr. Goodwin, from the committee of ways and means, to whom was referred the Senate bill to extend the time for the collection of

taxes in the city of Detroit, reported the same back to the House together with the petition of Zephaniah Platt and others in relation to the same subject, and the petition also of certain citizens of Tecumseh, praying for a similar law, and recommended the passage of said bill with amendments appended; and said bill was referred to the committee of the whole.

Mr. Goodwin, from the committee of ways and means reported back the petition referred to them with a bill in accordance with the petitioners prayer "authorising the payment of certain state dues in warrants of the auditor general," and the bill was referred to the committee of the whole and ordered to be printed.

Mr. Goodwin made the following several reports :

The committee of ways and means to whom was referred the petition of certain contractors on the Southern railroad, asking for some provision for the payment of state warrants, respectfully report that they have fully considered said petition, and the whole subject to which it relates.

In the first place, the committee are of opinion that the provision contained in the internal improvement bill which has just been passed, for the payment of interest on said warrants, is all that can be done by the state this year in favor of said warrants; and,

Secondly—That the payment in land provided for in the bill of the Senate which has passed that body, is all the provision that can be made at present for the redemption of said warrants.

The committee ask to be discharged from the further consideration of this subject.

J. GOODWIN, *Ch'n.*

And the committee were discharged accordingly.

The committee of ways and means to whom was referred the resolution instructing them to inquire into the expediency of reducing the salaries of circuit judges, and raising that of the Attorney General, respectfully report, that in their opinion, such action is not advisable.

The circuit judges spend from forty to fifty weeks a year in the supreme court sessions, and the various and laborious circuits which the law requires them to hold. The expenses of living are great; and in travelling to every part of the state, at all seasons of the year, great travelling expenses are unavoidably incurred, and at present they are compelled to receive their pay in a currency not equal to money.

Of all public stations, that of judges should be the most removed from any thing like dependence. They can barely support themselves and families with the pay they receive of the state, and the direct effect of a reduction would be to drive out our best men from these high and responsible stations, and fill them with others less talented and meritorious.

Should any action of the legislature be had increasing the number of judges, and consequently lessening their labors and expenses, a small deduction perhaps could be made, without injury to the public service.

In relation to the Attorney General, it should be borne in mind that he is only partially employed in the service of the state, and that he draws the regular attorney fees in civil cases, when he is successful, the same as other attorneys. His postage is paid by the state, and his travelling expenses annually settled like other charges against the state.

It is therefore considered by the committee that nothing will be gained by the change proposed.

J. GOODWIN,

Ch'n committee ways and means.

And the committee were discharged from the further consideration of the same.

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Mr. Lothrop made the following several reports :

The committee of internal improvement, to whom was referred the claim of John Flinn for damages occasioned by the passage of the Central railroad through his land, have had the same under consideration, and ask leave to report :

The petitioner acknowledges in his petition that when the Central railroad was owned by the Detroit and St. Joseph railroad co., the damages occasioned by the construction of the said road, was assessed by a jury, which he received. By receiving the amount assessed to him for damages of said company, the right to construct said road through his lands, became vested in said company. On the surrender by said company, of the Central railroad to the state, all the rights and franchises belonging to the company accrued to the state.

If your committee are right in the premises, the petitioner has not at this time any claim on the state for damages, and therefore report adverse to said claim, and ask to be discharged from the further consideration of the subject.

E. H. LOTHROP, *Chairman.*

The committee were discharged accordingly.

The committee of internal improvement, to whom was referred the memorial of Isaac Kelly and others, contractors on the Clinton and Kalamazoo canal, have had the same under consideration, and ask leave to report :

On examination they find that there is due Kelly, Beers & co., on two warrants drawn by the Auditor General on the internal improvement fund, dated April 27, 1842, in the sum of one thousand dollars ; also, on one warrant, dated September 9th, 1841, in the sum of \$1623 21 ; also, an estimate in the sum of \$2639 58, dated November 12th, 1841.

Your committee also find there is due to Isaac Kelley on a warrant dated September 9th, 1841, in the sum of \$1315 00, making the whole sum due Kelley, Beers & co. and Isaac Kelley, \$6577 79, with interest from the time the several warrants were given.

Your committee now ask to be discharged from the subject, and that the whole subject be referred to the committee of ways and means.

E. H. LOTHROP, *Chairman.*

The committee were discharged and the reference made to the committee of ways and means.

Mr. Johnson, pursuant to notice, obtained leave to introduce a "bill for the relief of the county of Kent," which was referred to the committee on ways and means.

Mr. Vickery, pursuant to notice, obtained leave to introduce "a bill for the relief of E. N. Colt," which was referred to the committee on university and other lands.

Mr. Moore, pursuant to notice, obtained leave to introduce "a bill to amend part first, title nine, chapter 2d, of the revised statutes," which was referred to the committee of the whole and ordered to be printed.

RESOLUTIONS.

Mr. Lamb laid the following joint resolution upon the table.

Resolved, by the Senate and House of Representatives of the state of Michigan, That the constitution of this state be amended by striking out from the third line of the ninth subdivision of the twelfth article thereof the word "forty" and insert the word "fifty," so that the same will read as follows to wit :

9. The seat of government for this state shall be at Detroit, or at such other place or places as may be prescribed by law, until the year eighteen hundred and fifty-seven, when it shall be permanently located by the legislature.

Mr. Videto offered the following joint resolution, and the rules were suspended and the same was adopted :

A joint resolution directing the secretary of state, to publish monthly in the state paper, a condensed statement of the report made to his office by the inspectors of the state prison:

Resolved by the Senate and House of Representatives of the state of Michigan, That the secretary of state, be and he is hereby directed to publish monthly in the state paper, a condensed statement of the report of the inspectors of the state prison, made to his office:

NOTICES:

Mr. Olds gave notice that he will ask leave to-morrow to introduce a bill to change the time of the annual meeting of the supervisors.

Mr. Beach gave notice that at an early day he will ask leave to introduce a bill making an appropriation of one thousand acres of land for the construction of a bridge across the Cass river.

Mr. Lamb gave notice that he will at an early day ask leave to introduce a bill to reduce the salaries of certain state, county and township officers therein named:

Mr. Vaughn gave notice that on to-morrow he will ask leave to introduce a bill to amend sec. 5, of "an act to authorize the building of dams," approved March 28, 1836.

Mr. Rix gave notice that at some future day he will ask leave to introduce a bill for the relief of Ebenezer Westbrook.

Mr. Johnson gave notice that he will at some future day ask leave to introduce a bill to alter existing laws relating to the supreme and circuit courts of this state:

Mr. Carpenter gave notice that, at an early day he will ask leave to introduce a bill to amend certain parts of the revised statutes and also to amend sec 5, of "an act to repeal the suspension act passed April 12th 1841, and for other purposes," in relation to set off.

Mr. Pratt from the committee on engrossment and enrollment, reported the following entitled bills as correctly enrolled,

"An act making appropriations on the central and southern railroad for the year 1843, and for other purposes."

Also—"An act to amend an act entitled an act for the regulation of internal improvement," passed March 25, 1840, and that the same was this day presented to the Governor for his signature.

UNFINISHED BUSINESS.

On motion of Mr. Bush, the rules were suspended, and the bill substitute for the Senate bill amending the charter of the city of Monroe, was taken up, and passed by the following vote :

Yeas—Messrs. Anderson, Andrews, Axford, Barnard, Bench, Brown, Bush, Cady, Carpenter, J. L. Gage, W. Gage, Goodell, Godfroy, Goodwin, Hixon, Johnson, King, Lacey, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, O'Keefe, Olds, Patterson Pratt, Provost, Purdy, Rix, Schoolcraft, Smith, Snell, Snow, Vaughn, Vickery, Videto, Waldron, Weld, Younglove, Speaker—14.

Nays—Mr. Rice.

The "bill to regulate tax sales for the year 1843 and for other purposes," was read a third time and passed, and the question being on adopting the title, Mr. Lamb sent up the following substitute :

An act to establish and sustain democratic party presses in all the counties of this state, and for other purposes.

The Speaker decided the motion out of order.

Mr. Lamb appealed from the decision of the chair.

The House sustained the chair.

Mr. Lamb then sent up the following, which was also declared out of order :

An act to establish a dictatorship in the city of Detroit, for the especial benefit of the democratic party in the counties of Hillsdale, Lapeer, and Shiawassee, and for other purposes.

The title of the bill was then adopted.

The "bill making the record of conviction filed in the state prison office evidence in certain cases," was read a third time and passed.

The "bill to provide for the preservation and completion of that portion of the Clinton and Kalamazoo canal between the villages of Rochester and Frederick," being under consideration,

Mr. Snell moved the following amendment :

The joint resolution prohibiting new contracts on the public works, approved January 18, 1842, is hereby suspended so far as relates to the Clinton and Kalamazoo canal."

Mr. Lamb moved to amend the amendment by striking out all after the word "suspended," which was lost by yeas and nays as follows :

Yeas—Messrs. Anderson, Andrews, Axford, Barnard, Beach, Bush, Cady, J. L. Gage, Goodwin, Lacey, Lamb, Lawrence, Pratt, Provost, Purdy, Schoolcraft, Seely, Smith, Snell, Waldron—20.

Nays—Messrs. Brown, Carpenter, Win. Gage, Godfroy, Haggaman, Hixon, Howe, King, Lothrop, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, O'Keeffe, Olds, Patterson, Rice, Rix, Snow, Vaughn, Videto, Weld, Younglove, Speaker—26.

Mr. Goodwin offered a proviso which was adopted, and the bill further amended on motion of Messrs. Smith and Goodwin, when the report of the committee of the whole was concurred in, and ordered to a third reading by yeas and nays :

Yeas—Messrs. Anderson, Andrews, Axford, Beach, Brown, Cady, J. L. Gage, Godfrey, Goodwin, Lacey, Lamb, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Mottram, O’Keeffe, Purdy, Rix, Schoolcraft, Snell, Vaughn, Videto, Waldron, Weld, Speaker—28.

Nays—Messrs. Barnard, Carpenter, Wm. Gage, Goodell, Haggman, Hixon, Howe, King, Moore, Olds, Patterson, Pratt, Provost, Rice, Smith, Snow, Younglove—17.

SPECIAL ORDER.

The House then resolved itself into committee of the whole on the “bill to provide for the assessment and collection of taxes,” Mr. Rice in the chair.

After some time the committee rose, reported progress and asked for and obtained leave to sit again.

The House then adjourned until half-past two o’clock.

AFTERNOON SESSION.

Half-past 2 o’clock P. M.

A quorum present.

The House again went into committee of the whole, Mr. Rice in the chair, on the special order, and continued therein until the hour of adjournment, when the Speaker announced the following

MESSAGES FROM THE SENATE.

SENATE CHAMBER, }
Feb. 20, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit the following entitled bills, which the Senate have passed, and respectfully ask the concurrence of the House therein :

“A bill to revise the acts incorporating the village of Kalamazoo.”

“A bill to provide for laying out and establishing a state road.”

“A bill to repeal an act entitled an act to organize a certain township in the county of Genesec, and certain acts amendatory thereto.”

Also, to return “an act authorising William W. Bliss, administrator, &c. of Hervy Bliss, deceased, to convey certain real estate,” and to respectfully inform the House that the Senate have concurred therein.

Also, to return “a bill to incorporate the Berrien bridge company,” and to respectfully inform the House that the Senate have passed the same with amendments, in which they respectfully ask the concurrence of the House.

JAS. E. PLATT,
Sec’y of Senate,

The first mentioned bill was referred to the committee on banks and incorporations.

The second to the committee on roads and bridges.

The third to committee on towns and counties.

The fourth was ordered to be enrolled, and

The fifth was referred to the committee on banks and incorporations.

SENATE CHAMBER, }
Feb. 23, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate, to return the “bill to prevent the concealment and embezzlement of the property of deceased persons,” and to respectfully inform the House that the Senate have non-concurred in the House amendments, and insist upon their second amendment thereto : Also, to inform the House that the Senate have concurred in the House substitute to the “bill to amend an act approved April 6th, 1838, entitled an act to amend an act to incorporate the city of Monroe, approved March 22, 1837,” and have ordered the same to be enrolled.

JAS. E. PLATT,
Sec’y of Senate.

And the House receded and concurred in the amendments of the Senate.

Mr. McLeod from the majority of the committee of conference on the preamble to the law relative to districting the state into congressional districts, made a report thereon, which was under debate, when

The House adjourned until to-morrow morning.

TUESDAY, February 21, 1843.

The House met pursuant to adjournment.

The members were all present.

The journals of yesterday were read and approved.

PETITIONS.

By Mr. Snell. Of ninety-one inhabitants of the counties of Oakland and Lapeer, asking the legislature to pass a law authorising Charles Wright, William M. Axford and F. S. Clark, to lay out and establish a state road from the village of Rochester to the village of Lakeville, in Oakland county. Referred to the committee on roads and bridges.

By Mr. O'Keefe. Of inhabitants of Detroit in relation to the mayors' court. Referred to the committee on the judiciary.

By Mr. Carpenter. Claim of the Phenix Bank of New-York on the state of Michigan for \$16,400 cash advanced to the state on 13th March 1838 on the request of Gov. Mason, and on the faith of the state bonds, then in the hands of J. Redfield, President of the bank. Referred to the committee on claims.

By Mr. Livermore. Of Daniel Bag'ey and 35 others, citizens of the county of Jackson, relative to mechanical labor in the state prison. Referred to the committee on state prison.

By Mr. Lee. Of sundry citizens of Oakland county, praying for the repeal of a law authorising the town treasurer to collect the taxes and to provide for collection by law or make certain amendments to said act. Laid upon the table.

By Mr. Johnson. Of Thos. D. Gilbert, sheriff, praying that the legislature will re-imburse him for certain monies paid by him in consequence of the operation of an unjust law of this state. Referred to the committee on ways and means.

By Mr. Johnson. Remonstrance of 30 citizens of Ottawa county, against the division of the town of Tallmadge. Referred to the committee on towns and counties.

By Mr. McCamly. Two several petitions, one from inhabitants of Calhoun county, and the other from inhabitants of Kalamazoo county, for alteration in the law regulating the practice of medicine. Referred to the committee of the whole, when on that subject.

REPORTS.

Mr. Rice from the committee on education, to whom was referred the presentment of the grand jury of Oakland county, in respect to the school law, reported that the bill now before the House contained provisions to remedy the evils complained of.

Also, on the communication of T. Clark and A. Bryant to J. W. Lamb, relative to taking census of persons under five and under seventeen years of age, that said bill contains the remedy.

Also, on the petition of Salom Sharp and others of the town of Adams, Hillsdale county, for relief in regard to school moneys, adverse to the prayer of the petitioners, and asking to be discharged from the further consideration of the same.

Also, on the petition of school inspectors of the township of Canton, in the county of Wayne, asking for relief in relation to report of said inspectors, which was miscarried, that no legislative action was necessary, and asking to be discharged from its further consideration.

Also, on the communication of Gov. Barry, transmitting communications from the superintendent of public instruction and accompanying documents, that legislative action is unnecessary, and asking to be discharged from the further consideration thereof.

And the committee were discharged on the several subjects on which they reported.

Mr. Bush, from the committee on banks and incorporations to whom was referred the petition of sundry citizens of Berrien county on the subject of the Farmers' and Mechanics' Bank, reported "a bill to remove the Farmers' and Mechanics' Bank from St. Joseph to Niles," which bill was referred to the committee of the whole and ordered to be printed.

Mr. Anderson, from the committee on towns and counties to whom was referred sundry petitions praying the legislature to organize several new townships, also, several petitions praying the legislature to change the names of certain townships, also, petitions to alter the boundary lines of certain townships, having had the same under consideration, reported "a bill to organize certain townships and for other purposes."

Mr. Johnson, from the committee on university, school and state lands, reported back the "bill for the relief of E. N. Colt," and the same was referred to the committee of the whole and ordered to be printed.

Mr. Littlejohn, from the committee on the judiciary to whom was referred the Senate bill authorising a settlement with Daniel Thurston for damages arising from the construction of the state mill dam at Frederick in the county of Maconb, reported the same back with a substitute therefor, which was referred to the committee of the whole and ordered to be printed.

Mr. Johnson, from the committee on university, school and state lands, to whom was referred the petition of Mumfred Eldred, jr. praying that the legislature would order the refunding to him of a

A certain sum of money paid the superintendent of public instruction, having had the same under consideration, reported adversely to the prayer of said petition, and asked that said committee be discharged from its further consideration.

And the committee were discharged accordingly.

Mr. Johnson, from the committee on university, school and state lands to whom was referred the petition of 37 citizens of the county of St. Joseph, praying for the reduction of the prices of university and school lands, having had the same under consideration, reported that in the opinion of the committee legislative action on the subject is inexpedient.

The committee asking to be discharged from the further consideration of said petition, were discharged.

Mr. Johnson, from the committee on university, school and state lands to whom was referred the petition of Thomas K. Green, praying that a certain over payment on account of the purchase of school lands, may be allowed in part payment of another lot of school land, having considered said petition, reported adversely to its prayer and asked to be discharged from its further consideration; and said committee were discharged.

And the same committee to whom was referred the petition of John Parkerson and 26 others, praying for a special act directing the superintendant of public instruction to convey certain university land to said Parkerson at \$15 per acre, and apply in payment therefor \$2500 00 paid by said Parkerson on account of other land, having considered the same, were instructed to report against its prayer and asked to be discharged from its consideration.

The same committee to whom was referred the petition of Jacob Sly, asking the right of purchase of university land, and also the petition of Daniel B. Webber and others for the same object, and also for the same purpose the petition of Edwin E. Brookfield, having considered the several petitions, reported adversely to their prayer and asked to be discharged from their further consideration.

And the question on discharging the committee being taken by

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yeas and nays on the motion of Mr. Lacey, prevailed by the following vote :

Yeas—Messrs. Andrews, Axford, Barnard, Beach, Brown, Bush, Carpenter, J. L. Gage, Wm. Gage, Goodell, Godfroy, Goodwin, Haganan, Nixon, Howe, Johnson, King, Lothrop, Lawrence, Littlejohn, Moore, Mottram, Olds, Patterson, Poppleton, Pratt, Purdy, Rice, Rix, Rowland, Smith, Snell, Snow, Vaughn, Vickery, Vidette, Waldron, Weld, Younglove, Speaker—40.

Nays—Messrs. Anderson, Cady, Lacey, Lamb, Livermore, McCarty, McLeod, Provost, Shookcraft, Seely—10.

Mr. Lothrop, from the committee on internal improvement to whom was referred the memorial of Dan E. Müller and others citizens of the county of Monroe, reported the same back to the House and moved that the petitioners have leave to withdraw said petition.

And the petitioners were granted leave to withdraw the same.

Mr. Lothrop submitted the following report :

The committee of internal improvement to whom was referred the petition of James G. Birney, and others, praying that the state would open and construct a road from Tuscola to Portsmouth, have had the same under consideration and beg leave to report :

Your committee acknowledge the principle, that it is the duty of the state to assist in opening and constructing roads through those portions of the state in which lands belonging to the state are located. But as the lands have just been located, and none of them have as yet been sold, and as it is now impossible to determine how roads shall be located so as to benefit the lands of the state, it is in the opinion of your committee premature to make at this time appropriations as contemplated by the petitioners.

Before the session of another legislature the state lands will have been brought into market and some of them probably sold, and it will then be in season to make appropriations, alike beneficial to the purchaser of state lands and to the lands remaining unsold.

For these reasons your committee would report adverse to the

prayer of the petitioners and ask to be discharged from the further consideration of the subject.

E. H. LOTHROP,

Chairman.

And the committee were accordingly discharged.

The memorial of Wm. Briggs and others of Eaton county, praying for an act of incorporation to enable them to improve the navigation of Grand river, the committee on internal improvement report back to House and ask to be discharged from the further consideration of the subject and that the same be referred to the committee on banks and incorporations.

E. H. LOTHROP,

Chairman.

And the reference was made to the committee on banks and incorporations.

Mr. Snow, from the committee on claims to whom was referred the claim of the assignees of the bank of Michigan, having had the same under consideration, ascertained the following facts in regard to it:

It appears from the testimony that the claim is for money advanced in the fall of eighteen hundred and forty. One thousand dollars of which, was advanced to the commissioners of internal improvement, to enable them to connect the rail road, which the state purchased of J. Q. Adams of Monroe, with the southern rail road, for which the assignees of the bank hold the receipt of R. M. Morrison, then superintendent of the southern rail road. It will be seen by reference to the act passed in 1840, regulating internal improvement, that this money was drawn in contravention of law, and if allowed at all, it must be upon the ground of equity alone.

Fourteen hundred and thirty-three dollars of which, was drawn by E. P. Hastings, Esq. then auditor general, for the purpose of paying the members of the committee, who were appointed to investigate the acts, &c. of the several boards of internal improvement; this sum also, as your committee believe, was drawn without the sanction of law, and if allowed, must be upon the ground of equity also; the committee have instructed me as their chairman to report back the claim, without any recommendation.

F. S. SNOW,

Chairman.

The committee asked to be discharged and that the report be referred to the committee of the whole and placed upon the general order, and the committee were discharged and the reference made.

Mr. Livermore, from the select committee to whom was referred the petition of Drs. McNaughton, Russ and Sager and others of the county of Jackson, reported "a bill to authorise the agent of the penitentiary to dispose of dead bodies of convicts," which was referred to the committee of the whole and ordered to be printed.

Mr. Johnson, pursuant to notice, obtained leave to introduce "a bill to amend chapters 1st and 3, title 1st, part 3 revised statutes relating to the supreme and circuit courts," which was referred to the committee on the judiciary.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, }
Tuesday, Feb. 21, 1913. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return “a bill to secure a pre-emption right to the purchase of certain lands to the person therein named” and to respectfully inform the House that the Senate have concurred therein.

JAS. B. PLATT,

Sec’y of Senate.

And said bill was ordered to be enrolled.

Mr. Videto submitted the following report :

The committee on state prison to whom was referred the claim of Daniel Porter and Abram F. Bolton, relative to a contract with the acting commissioner of the penitentiary, would report the same back to the House and ask to be discharged from the further consideration of the same ; your committee being satisfied that there is an unsettled contract of the character above alluded to, that should in justice to the parties be canceled and adjusted legally and equitably, would submit the following resolution.

JAMES VIDETO,

Ch’n Com.

Resolved by the Senate and House of Representatives of the State of Michigan, That the board of state auditors be, and they are hereby authorized to make a final settlement on just and equitable terms with A. F. Bolton and David Porter, contractors for building the cells in the penitentiary.

And the rule was suspended and the resolution adopted.

On motion of Mr. Andrews,

Resolved, That from and after this day the morning sessions of this House shall commence at 9 o'clock A. M.

UNFINISHED BUSINESS.

The "bill to provide for the preservation and completion of that portion of the Clinton and Kalamazoo canal, between the villages of Rochester and Frederick," coming up for a third reading,

On motion of Mr. Lamb, there was a call of the House, when there were five absent.

Members coming in and taking their seats further proceedings under the call were dispensed with, and the bill passed by yeas and nays as follows :

Yeas—Messrs. Anderson, Andrews, Axford, Beach, Brown, Cady, J. L. Gage, Goodell, Godfroy, Goodwin, Johnson, King, Lacey, Lamb, Lothrop, Lawrence, Lee, Littlejohn, Livermore, McCarnly, McLeod, Mottram, O'Keeffe, Provost, Purdy, Rix, Schoolcraft, Seely, Snell, Vaughn, Vickery, Videto, Waldron, Weld, Speaker—35.

Nays—Messrs. Barnard, Bush, Carpenter, Wm. Gage, Hagaman, Hixon, Howe, Moore, Murray, Olds, Patterson, Poppleton, Pratt, Rich, Rowland, Smith, Snow, Younglove—18.

Mr. Lacey moved that the committee of the whole be discharged from the consideration of the "bill appropriating 5,000 acres of land for the improvement of the St. Joseph river," and that the special order for this morning be suspended for ten minutes for the purpose of taking up said bill in the House, which motion prevailing, the substitute for said bill was adopted.

Mr. Videto moved to amend by adding an appropriation of 20,000 acres to make a canal around the Grand Rapids.

Mr. Lacey demanded the previous question, and the yeas and nays being called the demand did not prevail :

Yeas—Messrs. Anderson, Andrews, Cady, Godfroy, Goodwin, Lacey, Lothrop, Littlejohn, McLeod, Moore, Mottram, O'Keeffe, Olds, Poppleton, Pratt, Purdy, Rowland, Seely, Snell, Snow, Waldron, Weld, Younglove, Speaker—24.

Nays—Messrs. Axford, Barnard, Brown, Bush, Carpenter, J. L. Gage, Wm. Gage, Goodell, Hagman, Hixon, Johnson, King, Lamb, Lawrence, Lee, Livermore, McCamly, Murray, Patterson, Provost, Rice, Rix, Smith, Vaughn, Vickery, Videto—20.

The question then arising on Mr. Videto's amendment, the same was withdrawn.

Mr. Bush moved to lay the bill on the table.

Mr. Littlejohn demanded the previous question.

The Speaker announcing the period of suspension of the general order as having expired,

On motion of Mr. Smith, there was a further suspension of the general order.

The question then being taken on the demand of Mr. Littlejohn from the previous question, the same prevailed by yeas and nays :

Yeas—Messrs. Anderson, Andrews, Brown, Cady, Godfroy, Goodwin, Howe, King, Lacey, Lothrop, Littlejohn, McCamly, McLeod, Moore, Mottram, O'Keeffe, Patterson, Poppleton, Pratt, Purdy, Schoolcraft, Seely, Snell, Snow, Vaughn, Vickery, Waldron, Weld, Younglove, Speaker—30.

Nays—Messrs. Axford, Barnard, Beach, Bush, Carpenter, J. L. Gage, Wm. Gage, Goodell, Hagaman, Hixon, Johnson, Lamb, Lawrence, Lee, Livermore, Murray, Olds, Provost, Rice, Rix, Rowland, Smith, Videto—23.

The bill was then ordered to be engrossed by the following vote :

Yeas—Messrs. Anderson, Andrews, Brown, Cady, Godfroy, Goodwin, Johnson, King, Lacey, Lamb, Lothrop, Littlejohn, McCamly, McLeod, Moore, Mottram, O’Keeffe, Pratt, Purdy, Schoolcraft, Seely, Snell, Snow, Vaughn, Vickery, Waldron, Weld, Speaker—28.

Nays—Messrs. Axford, Barnard, Beach, Bush, Carpenter, J. L. Gage, W. Gage, Goodell, Hagaman, Hixon, Howe, Lawrence, Lee, Livermore, Murray, Olds, Patterson, Poppleton, Provost, Rice, Rix, Rowland, Smith, Videto, Younglove—25.

Mr. Lamb moved the suspension of the rule that the bill may be acted upon to-day, which motion was lost.

On motion of Mr. Goodwin, the bill was then re-committed to the committee on internal improvement with instructions.

SPECIAL ORDER.

The special order was then announced, being the “bill to provide for the assessment and collection of taxes,” and the House resolved itself again into committee of the whole thereon, Mr. Rice in the chair.

After being engaged thereon until the hour of adjournment, the committee rose, and reported progress, asked and obtained leave to sit again.

The House then adjourned until half-past two o’clock.

AFTERNOON SESSION.

Half-past 2 o'clock P. M.

The House resumed the special order, Mr. Littlejohn in the chair.

After being engaged until the hour of adjournment, the committee rose, reported progress, asked and obtained leave to sit again.

The Speaker announced a communication from the acting commissioner of internal improvement, covering an account of the receipts and expenditures, on the central railroad for the months of December and January, which was ordered to be printed.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE, }
Detroit, February 21, 1843. }

To the House of Representatives :

I have this day approved, signed and deposited in the office of the secretary of state,

“An act to amend act entitled an act for the regulation of internal improvement, passed March 25, 1840.”

Also—“An act making appropriations on the central and southern railroads for the year 1843, and for other purposes.”

JNO. S. BARRY.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, }
Tuesday, Feb. 21, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit “a bill to amend an act entitled an act to repeal the acts consolidated in the revised statutes,” which the Senate have passed, and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,
Sec’y of Senate.

And said bill was referred to the committee on the judiciary.

SENATE CHAMBER, }
Tuesday, Feb. 21, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit “a bill to amend an act entitled an act to incorporate the stockholders of the Michigan Insurance company of Detroit, approved March 7, 1834,” which the Senate have passed and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,
Sec’y of Senate.

And said bill was referred to the committee on banks and incorporations and ordered printed.

Mr. Olds gave notice that he would ask leave to introduce a bill on to-morrow for the relief of John Parkerson.

On motion of Mr. Purdy, the Speaker announced Mr. McLeod to read Washington's farewell address from the Speaker's desk to-morrow at half-past 2 o'clock P. M.

And the House adjourned until 9 o'clock to-morrow morning.

WEDNESDAY, February 22, 1843.

The House met pursuant to adjournment.

The journal of yesterday was read and approved.

PETITIONS.

By Mr. Anderson. Of Luther Humphrey and others, citizens of the county of Cass, suggesting the propriety of the legislature leaving the amount of school tax to be governed by a vote of the several districts or townships at their annual township elections. Referred to the committee on education.

By Mr. Johnson. Of Adam D. Roof and others, praying that the township of Lyons, in Ionia county, may be extended so as to embrace 9 and 10, north range six west. Referred to the committee on towns and counties.

By Mr. Livermore. Claim of H. B. Lathrop, for work on state prison. Referred to committee on claims.

By the same. Claim of William Maberry for work on state prison. Same reference.

By ———. Claim of G. F. Rood & Co. Referred to committee on claims.

REPORTS.

Mr. Pratt, from the select committee on the claim of Benjamin Irish made a report in detail, accompanied by a "bill for the relief of Benjamin Irish," which was referred to the committee of the whole.

Mr. Bush, from

Committee on banks and incorporations, to whom was referred the petition of Norman Dunbar and others asking for an alteration in the charter of the village of Niles, having had the same under consideration reported a "bill to alter the corporate limits of the village of Niles," which bill was referred to the committee of the whole.

Mr. Bush, from

The committee on banks and incorporations having had under consideration a bill to incorporate the Clayton Literary Society, reported the same back without amendment, and the said bill was referred to the committee of the whole.

Mr. Littlejohn, from

The committee on the Judiciary, to whom was referred the bill providing for appeals to the circuit court from the mayor's court of the city of Detroit, having examined the same, reported it back without amendments, and the bill was referred to the committee of the whole.

Mr. Moore, from

The committee on roads and bridges having had under consideration the Senate bill for the laying out certain state roads, reported the same back to the House, and recommended its passage, and the bill was referred to the committee of the whole.

Mr. Littlejohn, from

The committee on the judiciary, to whom was referred sundry petitions from the citizens of different counties in the state, praying for certain modifications of our present judiciary system, and asking for the appointment of supreme court commissioners, having examined the same, reported that they have embodied the modifications sought in a bill reported to this House for remodeling the judiciary system and therefore asked to be discharged from the further consideration of said petition, and the committee were discharged.

Mr. Littlejohn, from

The committee on the judiciary, to whom was referred the petition of the board of supervisors of the county of Cass, having considered the same and believing that the amendments already made at this session will obviate many of the objections urged by the petitioners, asked to be discharged from the further consideration thereof, and the committee were discharged.

Mr. Smith, from

The committee on supplies and expenditures to whom was referred the application of Lucius Thompson, to be keeper of the capitol, having had the same under consideration reported the same back to the House and asked to be discharged from the further consideration of the subject as no charge against the present incumbent had been preferred. And the committee were discharged accordingly.

Mr. Smith, from

The committee on supplies and expenditures to whom was referred a bill amendatory of an act entitled an act relative to office rooms of the secretary of state, approved Feb. 2, 1843, having had the same under consideration directed their chairman to report the same back to the House with a recommendation that the same do not pass, and the bill was referred to the committee of the whole.

Mr. Waldron, from

The committee on towns and counties, to whom was referred the bill to repeal an act entitled "an act to organize a certain township in the county of Genesee," and certain acts amendatory thereto, respectfully reported the same back to the House with a recommen-

dation that it do not pass, and the bill was referred to the committee of the whole.

Mr. Littlejohn, from

The judiciary committee, to whom was referred the Senate bill, "to amend an act entitled an act to repeal the acts consolidated in the revised statutes," having examined the same, and believing it to be the duty of the legislature to enact laws, and of the judiciary to give a construction of the same, and also believing, upon grounds of public policy, that an absolute repeal of a doubtful law, is preferable to any explanatory law, feel constrained to report said bill back to the House with a recommendation that it do not pass, and the bill was referred to the committee of the whole.

Mr. Snow, from

The committee on claims, to whom was referred the petition of Jane Greenfield asking for relief in consequence of her husband having been instantly killed, while in the employment of the state, and in consequence of this sudden and afflicting bereavement, the petitioner with six small children were left destitute, and without any means of support, beg leave to report that they have had the same under consideration, and they are of opinion that they should be governed in their action by the same principle which governed them in their action in regard to the petition of John Silk, who asked for relief in consequence of injury received upon the southern rail road, to which the committee reported adversely.

The petition sets forth that John Greenfield (the deceased husband of the petitioner) was an engineer, in the employment of the board of internal improvement, at the depot of the central rail road in this city, and that while assisting in unshipping a locomotive engine at the wharf, he was instantly killed; and in consequence of his death, his wife and six helpless children, were left destitute in the world, and without any means of support. It truly is a case which seems to call for sympathy and relief; and the committee as individuals, feel to sympathize with this distressed family; and while they would as individuals feel willing to contribute for their relief, still they do

not feel it to be their duty, to recommend that the state should not grant the relief asked; your committee are of opinion that the relief could more properly be granted from other sources.

The committee ask to be discharged from the further consideration of the subject.

F. S. SNOW, Chairman.

And the committee were discharged accordingly.

Mr. Olds, pursuant to notice, obtained leave to introduce a "bill for the relief of John Parkerson," which was referred to the committee of the whole, and ordered to be printed.

Mr. Beach, pursuant to notice, obtained leave to introduce a "bill for the construction of a bridge across the Cass river, in the county of Saginaw," which was referred to the committee on internal improvement.

MESSAGE FROM THE SENATE.

SENATE CHAMBER. }
Tuesday, Feb. 21, 1813. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate, to transmit "a bill to provide for the payment of the claim of Morgan Bates of the late firm of Dawson and Bates."

Also—"A bill to authorise the building of a bridge across Grand River in the county of Kent," which the Senate have passed and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,
Sec'y of Senate.

And the first named bill was referred to the committee on printing.

The second to the committee on ways and means.

Mr. Pratt, from the committee on engrossment and enrolment, reported as correctly enrolled the following bills, viz :

"An act authorizing Wm. W. Bliss, administrator of, &c. of Hervy Bliss deceased, to convey certain real estate."

"An act to secure a pre-emption right to the purchase of certain lands, to the person therein named."

Also—"An act to prevent the concealment and embezzlement of the property of deceased persons," and that the same was this day presented to the Governor for his signature.

On motion of Mr. Lamb,

Resolved, That the auditor general be, and he is hereby requested to transmit forthwith, to this House, a full and accurate statement of all claims, for wolf bounties, by him rejected, together with his reasons for such rejections.

On motion of Mr. Lamb,

Resolved, That the committee on printing be and they are hereby instructed to enquire why the bill authorising the construction of a way road on the line of the northern rail road, has not been printed and laid on the tables of members, and report thereon to-morrow morning, also why the message of the Governor in German and French has not been printed.

On motion of Mr. Bush,

Resolved, That the auditor general be instructed to report to the House, the aggregate amount of warrants drawn by him against the internal improvement fund since the last annual report.

On motion of Mr. Rowland,

Resolved, That the House will hereafter meet at 10 o'clock in the morning of each day.

Mr. Moore laid the following joint resolution upon the table :

Joint resolution for the appointment of a state printer.

Resolved, by the Senate and House of Representatives of the State of Michigan, That the Detroit Gazette shall hereafter be deemed the state paper, until otherwise directed by a concurrent vote of the Senate and House of Representatives of the State of Michigan ; and that all publications required by law, or which may hereafter be required by law, to be made in the state paper, shall be inserted in the Detroit Gazette, in the manner and on the terms which may have heretofore been, or may hereafter be prescribed by any act or resolution of the legislature. All notices, legal or otherwise, and all other official advertisements, now in course of publication in the paper which has heretofore been the state paper, shall be deemed to be legal and valid any thing in this resolution contained to the contrary notwithstanding.

The following resolution was then adopted :

Resolved, The members of the senate be and they are hereby invited to meet the members of the House of Representatives in the hall of representatives this afternoon at half-past two o'clock to unite with the members of the House, in hearing the reading of Washington's farewell address and that the clerk communicate this resolution to the Senate.

UNFINISHED BUSINESS.

The "bill appropriating 5,000 acres of land for the improvements on the St. Joseph river," as amended, being on its third reading,

Mr. Smith offered the following resolution :

Resolved, That the bill be re-committed with instructions to provide that the warrants alluded to in said bill be drawn payable in land.

And the question being taken by yeas and nays was lost by the following vote :

Yeas—Messrs. Axford, Barnard, Beach, Bush, Carpenter, J. L. Gage, Wm. Gage, Goodell, Hagaman, Hixon, Howe, Lee, Livermore, Murray, Poppleton, Provost, Rowland, Smith, Snow, Videto, Younglove, Speaker—23.

Nays—Messrs. Anderson, Andrews, Cady, Godfroy, Goodwin, Johnson, Lacey, Lamb, Lothrop, Littlejohn, McCamly, McLeod, Moore, Mottram, Olds, Patterson, Pratt, Purdy, Rix, Snell, Vaughn, Vickery, Waldron, Weld—24.

The bill was passed by the following vote :

Yeas—Messrs. Anderson, Andrews, Cady, Godfroy, Goodwin, Johnson, King, Lacey, Lamb, Lothrop, Littlejohn, Livermore, McCamly, McLeod, Mottram, O'Keeffe, Pratt, Purdy, Rix, Snell, Snow, Vaughn, Vickery, Waldron, Weld, Speaker—26.

Nays—Messrs. Axford, Barnard, Beach, Bush, Carpenter, J. L. Gage, Wm. Gage, Goodell, Hagaman, Hixon, Howe, Lee, Murray, Olds, Patterson, Poppleton, Provost, Rice, Rowland, Smith, Videto, Younglove—22.

SPECIAL ORDER.

The House again resolved itself committee of the whole on the special order, being the bill to provide for the assessment and collection of taxes, Mr. Littlejohn in the chair.

After being engaged thereon until the hour of adjournment, the committee rose, reported progress, asked for and obtained leave to sit again.

The House then adjourned until half-past 2 o'clock.

AFTERNOON SESSION.

Half-past 2 o'clock P. M.

The roll was called, and the Speaker announced the following message from the Senate :

SENATE CHAMBER, }
Wednesday, Feb. 22, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate, to respectfully inform the House, that the Senate have accepted the invitation contained in a resolution transmitted from the House this morning by the hand of its clerk:

JAS. E. PLATT,
Sec'y of Senate.

On motion of Mr. Johnson,

The Speaker announced Messrs. Johnson and Lothrop a committee to wait upon the Senate and inform that body that the House are now in readiness to receive them:

On motion of Mr. Goodwin,

The Speaker likewise announced Messrs. Goodwin and Waldron a committee to wait upon the Governor to the same effect.

Mr. Carpenter asked for and obtained leave of absence for Mr. Hagaman:

READING OF THE FAREWELL ADDRESS OF WASHINGTON.

The Governor appearing, accompanied by Gen. Cass, was received, when the Senate was announced, and being seated,

The Lieutenant-Governor, as President of the Senate, called to order by directing the roll call of the Senate, and the Speaker the roll call of the House of Representatives.

The secretary of the Senate and clerk of the House, having made their respective calls, and reporting to their respective officers,

The President of the Senate announced that the farewell address of George Washington would be read by the Hon. Mr. McLeod.

The reading being concluded, the Senate retired, and the Speaker calling the House to order, the consideration of the

SPECIAL ORDER,

was resumed in committee of the whole, Mr. Littlejohn in the chair.

After being engaged thereon until the hour of adjournment, the committee rose, reported progress, when,

On motion, the bill was laid upon the table.

The following message from the Governor was announced:

EXECUTIVE OFFICE, }
Detroit, February 22, 1843. }

To the House of Representatives :

I have this day approved, signed and deposited in the office of the secretary of state, the following acts, viz :

“An act to secure a pre-emption right to the purchase of certain lands to the persons therein named.”

"An act to prevent the concealment and embezzlement of the property of deceased persons."

"An act authorising William W. Bliss, administrator of, &c. of Hervy Bliss deceased to convey certain real estate."

JNO. S. BARRY.

The following message from the Senate was also announced :

SENATE CHAMBER, {
Feb. 22, 1843 }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit "a bill to prevent the action of ejectment in certain cases," which the Senate have passed and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,

Sec'y of Senate.

And said bill was referred to the committee on the judiciary.

And the House adjourned until to-morrow morning at 10 o'clock.

THURSDAY, February 23, 1843.

The House met pursuant to adjournment.

All the members were present.

The journal of yesterday was read and corrected.

PETITIONS.

By Mr. Videto. Of Richard Riley, A. F. Bolton and 57 others, citizens of the county of Jackson, relating to the militia bill. Laid on the table.

By Mr. Lacey. Of R. T. Hunter and others against the division of the town of Royalton and annexing a part to the town of St. Joseph. Referred to committee on towns and counties.

By Mr. Smith. Of William Tompkins, for authority to convey certain real estate. Referred to the committee on the judiciary.

The claim of the visitors to the state prison from the two branches of the legislature, was presented and referred to committee on claims.

REPORTS.

Mr. Bush made the following report :

The committee on banks and corporations to whom was referred a Senate bill to revive an act incorporating the village of Kalamazoo, have had the same under consideration, and have instructed me as their chairman to report the same to the House and recommend its passage, and have also had under consideration a House bill incorporating the Berrien Bridge company, which the Senate have passed with amendments, and have instructed me as their chairman, to re-

port the same back to the House and recommend that the House concur in the amendments made by the Senate.

And the said bill was referred to the committee of the whole.

Mr. Videto from the committee on state prison to whom was referred the memorial of mechanics of Jackson, relative to state prison labor, made a report in detail which was ordered to be printed.

Mr. Littlejohn, from the committee on the Judiciary, to whom was referred the Senate bill to prevent the action of ejectment in certain cases, having examined the same, reported it back with a recommendation that the same be passed.

And the said bill was referred to the committee of the whole.

Mr. Littlejohn, from the committee on the Judiciary to whom was referred the bill to amend chapters 1st and 3d, title 1st, part 3d of the revised statutes relating to the supreme and circuit courts, having examined the same, reported the same back to the House with a substitute therefor, which was referred to the committee of the whole and ordered to be printed.

Mr. Goodwin, from the committee on ways and means, to whom was referred the "bill to authorize the building of a bridge across Grand river in the county of Kent," reported the same back and the bill was referred to the committee of the whole.

Mr. Smith, from the minority of the committee on education, to whom was referred the "bill relative to common or primary schools," reported several amendments thereto, which was referred to the committee of the whole.

Mr. Rowland called up the joint resolution of yesterday offered by Mr. Moore in regard to the state printer; which on motion of Mr. Bush, was indefinitely postponed by the following vote:

Yeas—Messrs, Anderson, Andrews, Axford, Barnard, Beach, Bush, Cady, Carpenter, J. L. Gage, Wm. Gage, Goodell, Godfrey, Hagaman, Hixon, Johnson, Lacy, Lawrence, Lee, Livermore, Murray, O'Keeffe, Olds, Poppleton, Pratt, Rice, Bix, Rowland, Seely, Smith, Snell, Snow, Vaughn, Speaker—33.

Nays—Messrs. Brown, Goodwin, Howe, King, Lamb, Lothrop, Littlejohn, McCamly, McLeod, Moore, Mottram, Patterson, Provost, Purdy, Schoolcraft, Vickery, Videto, Waldron, Weld, Younglove—20.

Mr. Lamb offered the following joint resolution, which lies on the table :

Resolved, by this House, the Senate concurring therein, that this legislature will not adjourn without day, until the judiciary system, and laws relative to primary schools, of this state, have undergone revision and received those statutory amendments so imperiously demanded by the growing wants of the state, and the best interests of our constituency.

Also the following resolution, which did not prevail :

Resolved, That the clerk of this House be, and he is hereby authorized and required to procure the printing of the daily journal to be laid upon the tables of members for their use, at such printing office in this city, as is prepared to perform the same with correctness and despatch,

UNFINISHED BUSINESS.

The bill to amend an act entitled "an act to provide for the voluntary dissolution of corporations," &c. was taken up and passed.

On motion of Mr. Goodwin, the bill to extend the time for the collection of taxes in the city of Detroit was taken up.

Mr. Godfroy moved to include the township of Hamtramck, which was carried.

Mr. Olds moved to include the town of Quincy in the county of Branch, which was also carried.

Mr. Smith moved to extend the provisions to every township in the state, and that the bill be re-committed to the committee of ways and means with instructions, which prevailed as follows :

Yeas—Messrs. Anderson, Axford, Beach, Brown, Cady, J. L. Gage, Goodell, Godfrey, King, Lamb, Lawrence, Livermore, Murray, O'Keefe, Olds, Patterson, Poppleton, Pratt, Provost, Rowland, Smith, Snell, Vaughn, Videto, Waldron—23.

Nays—Messrs. Andrews, Carpenter, Wm. Gage, Goodwin, Haggaman, Hixon, Howe, Johnson, Lacey, Lothrop, Lee, Littlejohn, Purdy, Rice, Rix, Schoolcraft, Snow, Vickery, Weld, Younglove, Speaker—22.

On motion of Mr. Goodwin, the bill authorizing the state treasurer to receive certain warrants in payment of money due the state, was taken up, and on his motion, the committee of the whole was discharged therefrom, when,

On motion of Mr. Lacey, the bill was recommitted to the committee on ways and means with instructions.

Mr. Smith called up the bill to provide for the assessment and collection of taxes, when,

Mr. Purdy moved to commit the bill with amendments to a select committee of seven.

Mr. Lamb moved to amend, with instructions to strike out all that part that requires returns to be made to the auditor general, &c.

Mr. Purdy moved a call of the House, when there were three members absent.

Further proceedings under the call being dispensed with,

Mr. Rowland called for the previous question :

Mr. Bush for the yeas and nays, which stood as follows :

Yeas—Messrs. Axford, Beach, Cady, Carpenter, Goodell, Godfrey, Goodwin, Haggaman, King, Lacey, Littlejohn, Livermore, McCamty, McLeod, Moore, Mottram, Murray, O'Keefe, Olds, Patterson, Pratt, Provost, Purdy, Rix, Rowland, Schoolcraft, Snow, Vaughn, Videto, Younglove, Speaker—31.

Nays—Messrs. Anderson, Andrews, Barnard, Brown, Bush, J. L. Gage, Wm. Gage, Hixon, Howe, Lamb, Lothrop, Lawrence, Lee, Poppleton, Rice, Smith, Snell, Vickery, Waldron, Weld—20.

The question was taken on Mr. Lamb's amendment with the following result :

Yeas—Messrs. Anderson, Andrews, Barnard, Beach, Brown, Bush, Cady, J. L. Gage, Lamb, Lothrop, Lawrence, McLeod, Poppleton, Pratt, Provost, Rice, Smith, Snell, Vickery, Waldron—20.

Nays—Messrs. Axford, Carpenter, Wm. Gage, Goodell, Godfroy, Goodwin, Hagaman, Hixon, How, King, Lacey, Lee, Littlejohn, Livermore, McCamly, Moore, Murray, Mottram, O'Keefe, Olds, Patterson, Purdy, Rix, Rowland, Schoolcraft, Snow, Vaughn, Videto, Weld, Younglove, Speaker—31.

The motion to commit was then adopted,

And the House adjourned until half-past two o'clock.

AFTERNOON SESSION.

Half-past 2 o'clock, P. M.

The Speaker announced as the committee on the tax bill, Messrs. Purdy, Moore, Goodwin, Lacey, Wm. Gage, Carpenter and Smith.

Mr. Goodwin reported from committee on ways and means, the bill to extend the time for the collection of taxes in the city of Detroit, with a new title and substitute for the third section, which was adopted, and the bill was passed by the following vote :

Yeas—Messrs. Anderson, Axford, Barnard, Beach, Brown, Cady, J. L. Gage, Goodell, Godfroy, Goodwin, King, Lacey, Lamb, Lawrence, Lee, McCamly, Murray, Olds, Patterson, Poppleton, Pratt, Provost, Purdy, Rowland, Snow, Vaughn, Vickery, Younglove—28.

Nays—Messrs. Andrews, Bush, Carpenter, Wm. Gage, Hagaman, Hixon, Lothrop, Littlejohn, McLeod, Mottram, Rice, Rix, Smith, Snell, Videto, Waldron, Weld, Speaker—18.

Mr. Lacey, from committee on ways and means, reported an amendment to the bill "authorizing the state treasurer to receive certain warrants in payment of money due the state,"

And on motion of Mr. Lacey, the rules were suspended and the bill passed.

On motion of Mr. McLeod, the House went into committee of the whole on the special order, being the bill to provide for the transfer of real estate on execution and for other purposes, had the same under consideration until the hour of adjournment, rose and reported the bill back to the House, when

On motion of Mr. Goodwin, the bill was laid on the table.

Mr. Lothrop submitted the following report, and resolution, which were adopted :

The committee on printing having had under consideration the communications of Messrs. Ellis & Briggs, and the clerk of the House, in relation to the printing of the journals of the House, report entire confidence in the clerk as a correct journalist, and their regret that the contractors for the printing cannot perform their work without a resort to unnecessary, and as the committee deem, uncalled for reflections on the House and its officers, whose business it is to superintend the printing ; but as a contract has been entered into between the state treasurer, and Ellis & Briggs, pursuant to law, the committee recommend the adoption of the accompanying resolution, with the intention of examining the act relative to the printing of the state, and if necessary to secure that the printing hereafter to be done, shall be done in a prompt and proper manner, to bring in a bill to amend the same.

In behalf of the committee,

E. H. LOTHROP.

Resolved, That the clerk of this House be directed to furnish daily a copy of the journal of this House, as well as the back journals not printed, to the contractors for the printing of the same, until otherwise ordered.

The Speaker then announced the following message from the Senate :

SENATE CHAMBER, }
Thursday, Feb. 23, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return a “bill to provide for the preservation and completion of that portion of the Clinton and Kalamazoo canal between the villages of Rochester and Frederick,” and a “joint resolution relative to settlement with A. F. Bolton and David Porter,” and to respectfully inform the House that the Senate have concurred therein ; also, to transmit a “bill to re-organize the supreme court, and circuit courts, and to organize courts of oyer and terminer and to regulate the proceedings thereof,” which the Senate have passed, and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,
Sec’y of Senate.

And the first named bill and resolution were ordered enrolled.

And the last named bill referred to the committee on the judiciary.

And the House then adjourned until to-morrow morning at 10 o’clock.

FRIDAY, February 24, 1843.

The House met pursuant to adjournment.

The members were all present.

The Journal of yesterday was read and corrected.

REPORTS.

Mr. Anderson, from the committee on towns and counties, made the following report :

The committee on towns and counties to whom were referred sundry petitions of the citizens of Lapeer county, asking that the western tier of towns in said county may be set off and attached to the county of Genesee, and also sundry remonstrances against such alteration, respectfully ask that they may be discharged from their further consideration, from the fact that an important question is involved in the decision of the matter, and they prefer that there be no action, until they can have an expression of wishes and feelings from all who are interested, which at this stage of the session cannot be expected ; and the committee were discharged from the further consideration thereof.

The clerk having reported that the journals of yesterday were not printed, the direction of them hereafter was referred to the committee on printing.

The Speaker announced a communication from Jacob M. Howard, representative in congress from this state, which was on motion of Mr. Purdy, referred to a special committee, consisting of Messrs. Purdy, Littlejohn, Lothrop, McLeod and Goodwin.

Mr. Lothrop from the committee on printing, to whom was referred the "bill to provide for the payment of the claim of Morgan Bates, of the late firm of Dawson and Bates," reported the same back and the bill was referred to the committee of the whole.

RESOLUTIONS.

On motion of Mr. Carpenter,

Resolved, that the committee on the judiciary be instructed to inquire into the expediency of reducing the compensation to be allow

ed to sheriffs or jailers, for the support of prisoners confined in the the county jails.

RECONSIDERED.

Mr. Smith moved a reconsideration of the vote in relation to instructions to special tax committee which was lost as follows :

Yeas—Messrs. Anderson, Axford, Barnard, Beach, Bush, Cady, J. L. Gage, Wm. Gage, Goodell, Hixon, Lamb, Lothrop, Lawrence, Lee, Livermore, Poppleton, Pratt, Provost, Rice, Rix, Seely, Snell, Videto and Waldron—21.

Nays—Messrs. Brown, Carpenter, Godfrey, Goodwin, Haganan, Howe, King, Lacy, Littlejohn, McCamly, McLeod, Moore, Murray, Olds, Patterson, Purdy, Rowland, Schoolcraft, Smith, Snow, Vaughn, Vickery, Weld, Younglove, Speaker—25.

Mr. Smith moved to reconsider the vote in relation to state paper, which motion the Speaker decided out of order.

On motion of Mr. Lothrop,

The House took up the "bill to provide for the transfer of real estate on execution and for other purposes."

Mr. Lothrop moved to strike out the word "intrinsic," in the 10th line of the second section, and insert the word "cash."

Mr. Littlejohn moved to divide the question.

Mr. Purdy moved to amend by inserting the word "true" before the word "cash."

Motion to strike out prevailed. The motion to insert the word "true" was carried as follows :

Yeas—Messrs. Anderson, Beach, Brown, Carpenter, J. L. Gage, Goodell, Goodwin, Haganan, King, Lacey, Lawrence, Littlejohn, McCamly, Olds, Patterson, Purdy, Rice, Rix, Seely, Snell, Vaughn, Vickery, Videto, Younglove—21.

Nays—Messrs. Axford, Barnard, Cady, Hixon, Howe, Johnson, Lamb, Lothrop, Lee, Livermore, McLeod, Moore, Mottram, Murray, Poppleton, Pratt, Provost, Rowland, Smith, Snow, Waldron, Weld, Speaker—23.

The motion to insert the word "cash," after the word "true," was lost by the following vote :

Yeas—Messrs. Axford, Barnard, Bush, Cady, Wm. Gage, Goodwin, Hagaman, Hixon, Johnson, Lamb, Lothrop, Lee, Moore, Mottram, Murray, Poppleton, Pratt, Provost, Rice, Rowland, Snell, Snow, Waldron, Weld. Speaker—25.

Nays—Messrs. Anderson, Beach, Brown, Carpenter, J. L. Gage, Goodell, Godfroy, Howe, King, Lacey, Lawrence, Littlejohn, Livermore, McCainly, McLeod, Olds, Patterson, Purdy, Rix, Schoolcraft, Seely, Vaughn, Vickery, Videto, Younglove—25.

Mr. Lacey moved to strike out "two thirds," wherever it occurred, and insert "true value," which was lost :

Yeas—Messrs. Axford, Barnard, Brown, Bush, Cady, Wm. Gage, Hixon, Howe, King, Lacey, Lamb, Lothrop, Lee, Murray, Poppleton, Pratt, Provost, Rowland, Snell, Vaughn, Weld, Younglove—22.

Nays—Messrs. Anderson, Beach, Carpenter, J. L. Gage, Goodell, Godfroy, Goodwin, Hagaman, Johnson, Lawrence, Littlejohn, Livermore, McCainly, McLeod, Moore, Mottram, O'Keeffe, Olds, Patterson, Purdy, Rice, Rix, Schoolcraft, Seely, Snow, Vickery, Videto, Waldron, Speaker—29.

Mr. Bush moved to recommit the bill to the committee on the judiciary, with instructions to strike out that portion which relates to the appraisement of real estate on the foreclosure of mortgages, and to make such amendments to the now existing law, as shall authorize and empower the mortgagee to foreclose the mortgage under the law existing at the date of the execution of said mortgage, which was lost as follows :

Yeas—Messrs. Anderson, Axford, Barnard, Bush, Cady, William Gage, Goodell, Hixon, Lamb, Lawrence, Lee, McLeod, Moore, Murray, Poppleton, Pratt, Provost, Purdy, Rice, Rowland, Snell, Snow, Vickery, Waldron, Weld—25.

Nays—Messrs. Beach, Brown, Carpenter, J. L. Gage, Godfroy, Goodwin, Hagaman, Howe, Johnson, King, Lacey, Littlejohn, Liv-

ermore, McCamly, Mottram, O'Keeffe, Olds, Patterson, Rix, Schoolcraft, Seely, Vaughn, Videto, Younglove, Speaker—25.

Mr. Rice sent up the following as an amendment to the 8th, 9th, 10th, and part of the 11th, and the proviso of the 13th sections :

Provided, That nothing herein contained shall be construed to affect the validity of any proceedings heretofore commenced under the provisions of the act hereby repealed, where such proceedings have already advanced to an appraisal and sale, or to arrest the completion of such proceedings thereunder, or to impair any right that may have become vested pursuant to the provisions of said act, but the same shall be completed according to the provisions of that act, and with the like effect as if the said act had not been repealed : Provided further, That no mortgage executed whilst the act hereby repealed was in force, shall be in any manner affected thereby, but the same proceedings thereon may be had, and with the like effect as if this act had not passed.

Sec. 2. And be it further enacted, That so much of chapter eight, title three, part third of the revised statutes, and so much of all acts and parts of acts amendatory thereto, as have been repealed or suspended, by the acts hereinafter named, to wit : an act entitled "an act relative to the sale of real and personal estate on execution," approved March 27, 1841, (page 45,) an act entitled "an act supplementary to an act entitled an act relative to the sale of real and personal estate on execution," approved March 27, 1841," and approved April 13, 1841, (page 150,) and an act entitled "an act to provide for the transfer of real estate on execution, and for other purposes," approved February 17, 1842, (page 185,) are hereby revived : Provided, That on all mortgages given after this act shall be in force, to secure the payment of the purchase money of the mortgaged premises, the like time to redeem the same after the sale thereof, shall be allowed to the mortgagor, his legal representatives, or any person claiming under him or them, as is allowed on other mortgages : Provided further, That any mortgage, executed after

this act shall take effect, which shall contain express provisions as to the manner of proceedings to foreclose the same, or fixing the time of redemption, or both, the same shall be foreclosed and redeemed as therein prescribed, any law to the contrary notwithstanding.

Mr. Littlejohn moved the indefinite postponement of the bill which was lost as follows :

Yeas—Messrs. Beach, Brown, Johnson, Littlejohn, Pratt, Purdy, Schoolcraft, Younglove—8.

Nays—Messrs. Anderson, Axford, Barnard, Bush, Cady, Carpenter, J. L. Gage, Wm. Gage, Goodell, Godfroy, Goodwin, Hagaman, Hixon, Howe, King, Lacey, Lamb, Lothrop, Lawrence, Lee, McCamly, McLeod, Moore, Mottram, Murray, Olds, Poppleton, Provost, Rice, Rix, Rowland, Seely, Snell, Vaughn, Vickery, Videto, Waldron, Weld, Speaker—39.

Mr. Littlejohn demanded the previous question, pending which, On motion of Mr. Goodwin, the House adjourned.

AFTERNOON SESSION.

Half-past 2 o'clock P. M.

The House resumed the consideration of the special order, the question being Mr. Rice's amendment, the previous question was sustained,

And the amendment lost by the following vote :

Yeas—Messrs. Anderson, Axford, Barnard, Bush, Goodell, Hixon, Lamb, Lee, Moore, Murray, Patterson, Poppleton, Pratt, Provost, Purdy, Rice, Rowland, Smith, Snell, Waldron, Weld—21.

Nays—Messrs. Beach, Brown, Carpenter, J. L. Gage, Godfroy, Goodwin, Howe, Johnson, Lacey, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Mottram, O’Keeffe, Olds, Schoolcraft, Seely, Vaughn, Videto, Younglove, Speaker—23.

A motion being made for a call of the House, Mr. Videto obtained leave of absence for Mr. Rix, Mr. Vickery for Mr. Cady, Mr. Anderson for Mr. Andrews, Mr. Hixon for Mr. Snow.

Further proceedings under the call being dispensed with, the bill was ordered engrossed by the following vote :

Yeas—Messrs. Beach, Brown, Carpenter, J. L. Gage, Wm. Gage, Godfroy, Goodwin, Howe, Johnson, King, Lacey, Lothrop, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, O’Keeffe, Olds, Patterson, Purdy, Rice, Schoolcraft, Seely, Vaughn, Videto, Younglove, Speaker—30.

Nays—Messrs. Anderson, Axford, Barnard, Bush, Goodell, Hixon, Lamb, Lawrence, Lee, Murray, Rappleton, Pratt, Provost, Rowland, Smith, Snell, Vickery, Weld—18.

The Speaker announced the following message from the Senate :

SENATE CHAMBER, }
Friday, Feb. 24, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate, to return the House “bill to authorize David Vinnedge, guardian of Marcus Packard, a minor, to convey certain real estate,” and to respectfully inform the House that the Senate have concurred therein.

Also, to transmit a “bill to amend an act entitled an act to amend an act entitled an act to incorporate the village of Pontiac,” which the Senate have passed, and respectfully ask the concurrence of the House therein.

Also, to transmit a "joint resolution fixing the day for an adjournment of the legislature," which the Senate have adopted, and respectfully ask the concurrence of the House therein.

Also, to transmit a "bill for the relief of school district No. 1, of the township of Owasso, in the county of Shiawassee, and state of Michigan," which the Senate have passed, and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,
Sec'y of Senate.

The first named bill was ordered to be engrossed, and the second was referred to the committee on banks and incorporations.

The question being on concurring in the joint resolution,

Mr. Mottram moved to lay the same on the table until next Thursday.

Mr. Goodwin moved to lay the whole subject on the table, which was lost :

Yeas—Messrs. Beach, Brown, J. L. Gage, Wm. Gage, Goodwin, Hixon, Howe, Johnson, Lacey, Lamb, Littlejohn, McCamly, McLeod, Moore, Mottram, O'Keefe, Provost, Seely, Vaughn, Videto, Weld—22.

Nays—Messrs. Anderson, Axford, Barnard, Bush, Carpenter, Goodell, Godfroy, Hagaman, King, Lothrop, Lawrence, Lee, Livermore, Murray, Olds, Patterson, Poppleton, Pratt, Purdy, Rice, Rawland, Schoolcraft, Smith, Snell, Vickery, Waldron, Younglove, Speaker—23.

The question being taken on Mr. Mottram's motion, it was also lost, as follows :

Yeas—Messrs. Beach, Brown, J. L. Gage, Wm. Gage, Goodwin, Hixon, Howe, Johnson, Lacey, Lamb, Littlejohn, McCamly, McLeod, Moore, Mottram, O'Keefe, Olds, Provost, Seely, Vaughn, Videto, Weld—22.

Nays—Messrs. Anderson, Axford, Barnard, Bush, Carpenter, Goodell, Godfroy, Hagaman, King, Lothrop, Lawrence, Lee, Livermore, Murray, Patterson, Poppleton, Pratt, Purdy, Rice, Rowland, Schoolcraft, Smith, Snell, Vickery, Waldron, Younglove, Speaker—27.

Mr. Mottram moved to amend the resolution by inserting the "ninth" in place of the "sixth" of March, which was lost.

Mr. Lacey moved to strike out "sixth," and insert "thirteenth."

Mr. Littlejohn moved to lay the resolution on the table, which motion prevailed by the following vote :

Yeas—Messrs. Beach, Brown, J. J. Gage, Wm. Gage, Goodell, Godfroy, Goodwin, Hixon, Howe, Johnson, King, Lacey, Lamb, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, O'Keefe, Olds, Provost, Seely, Vaughn, Videto, Weld, Younglove—27.

Nays—Messrs. Anderson, Axford, Barnard, Bush, Carpenter, Hagamar, Lothrop, Lawrence, Lee, Murray, Patterson, Poppleton, Pratt, Purdy, Rice, Rowland, Schoolcraft, Smith, Snell, Vickery, Speaker—21.

The House then went into committee of the whole on the Senate "bill to organize a land office and to regulate the sales of the public lands."

The committee of the whole rose, reported progress, asked and obtained leave to sit again.

On motion of Mr. Johnson, the bill was ordered printed, and made the special order for Monday next.

On motion of Mr. Rowland, the special order of the day, being the militia bill, was laid on the table, and the Senate "bill relative to common schools" was taken up in committee of the whole, Mr. Lothrop in the chair.

Having made some progress therein, the committee rose, reported progress, asked and obtained leave to sit again.

Mr. Rowland moved to reconsider the vote granting leave to the committee to sit again, which motion was lost.

The Speaker announced the following message from the Governor :

EXECUTIVE OFFICE,
Detroit, February 24, 1843. }

To the House of Representatives :

I have this day approved, signed and deposited in the office of the secretary of state, a "joint resolution relative to settlement with A. F. Belton and David Porter."

JNO. S. BARRY.

Also, the following message from the Senate :

SENATE CHAMBER,
Friday, Feb. 24, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transnit "a bill to liquidate the public debt, and to provide for the payment of the interest thereon, and for other purposes," which the Senate have passed, and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,
Sec'y of Senate.

And said bill was referred to the committee on ways and means.

On motion of Mr. Lacey, the House adjourned until to-morrow morning 10 o'clock.

SATURDAY, February 25, 1943.

The House met pursuant to adjournment.

The journal of yesterday was read and corrected.

PETITIONS.

By Mr. Purdy. Of citizens of Ann Arbor for the passage of a law requiring the board of internal improvement to issue proposals for the building of rail road cars, &c. to the lowest bidder. Referred to the committee on internal improvement.

By Mr. Younglove. Claim of Thos. Lincoln. Referred to the committee on claims.

By Mr. Lamb. Of citizens of Lapceer county, asking for the incorporation of the Botanic Medical Society of the state of Michigan. Laid on the table.

By Mr. McCamly. Of citizens of Marshall, relative to Senate bill to amend the charter of the village of Marshall. Referred to committee on banks and incorporations.

RESOLUTION.

On motion of Mr. Anderson,

Resolved, That the judiciary committee be instructed to inquire into the expediency of making provisions for compiling and printing a full and correct index to all the laws of this state now in force, and report thereon.

UNFINISHED BUSINESS.

The bill to provide for the transfer of real estate on execution, and for other purposes, was read a third time and passed by the following vote :

Yeas—Messrs Beach, Brown, Carpenter, J. L. Gage, W. Gage, Goodell, Godfrey, Goodwin, Haggaman, Howe, Johnson, King, Lacy, Littlejohn, McCamly, Moore, O'Keefe, Olds, Patterson, Purdy, Schoolcraft, Seely, Snow, Vaughn, Videto, Younglove, Speaker—27.

Nays—Messrs. Anderson, Axford, Barnard, Bush, Hixon, Lamb, Lothrop, Lee, McLeod, Murray, Poppleton, Pratt, Rice, Rowland, Smith, Snell, Vickery, Weld—18.

On motion of Mr. Lamb, and amended by Mr. Littlejohn, the title was amended to read, "a bill to provide for the transfer of real estate on execution and on mortgages," and the same adopted.

The House then resolved itself into committee of the whole on the bill relative to common or primary schools, Mr. Lothrop in the chair.

The committee rose, reported progress, asked and obtained leave to sit again.

The Speaker announced the following message from the Senate :

SENATE CHAMBER. }
Saturday, Feb. 25, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit “a bill to amend the charter of the city of Detroit,” which the Senate have passed and respectfully ask the concurrence of the House therein. Also, to return the “bill to extend the time for the collection of taxes in the city of Detroit,” and to respectfully inform the House that the Senate have non-concurred in the House amendments thereto.

JAS. E. PLATT,
Sec’y of Senate:

The first named bill was read a first and second time and referred to the committee on banks and incorporations.

On the second, Mr. Lothrop moved that the House recede from their amendments, which motion was lost.

On motion of Mr. McCamly, a committee of conference was appointed.

The Speaker announced Messrs. McCamly, Goodwin and Lothrop as the committee of conference on the part of the House.

Mr. Rowland moved that the House adjourn until 2 o’clock this afternoon.

Mr. Smith moved that the House adjourn, which motion prevailed. And the House adjourned until 10 o’clock Monday morning.

MONDAY, February 27, 1843.

The House met pursuant to adjournment.

The journals of Saturday were read and approved.

PETITIONS.

By Mr. Provost. Remonstrance of citizens of Clinton county against appropriating non-resident highway tax on the northern rail road. Laid on the table.

By the same. Of the citizens of the county of Clinton against any alteration of the tax laws. Laid on the table.

REPORTS.

Mr. Lothrop, from the committee on internal improvement, reported back the "bill to provide for the construction of a bridge across the Cass river in the county of Saginaw," which bill was referred to the committee of the whole and ordered to be printed.

SPECIAL ORDER.

On motion of Mr. Rice,

The House went into committee of the whole, Mr. Lothrop in the chair, on the "bill relative to primary or common schools." The committee rose and reported the bill to the House with amendments.

Mr. Smith moved the adoption of the amendments in gross, which motion prevailed.

Mr. Lacey moved that the consideration of the Senate and House bills relative to common or primary schools, be indefinitely postponed, and that a select committee of three be appointed by the chair to report a bill to this House, which shall provide for

1st. The repeal of the school law now in force, and of the law requiring the election of school inspectors, &c.

2d. The funds accruing from the sale of school lands, and from the investments heretofore made of the school fund, to be invested in safe and permanent securities within this state, at an interest of 7 per cent. until otherwise provided by law.

Mr. Lamb moved moved to lay on the table, which motion he subsequently withdrew.

Mr. Hagaman moved that the whole matter be referred back to the committee with an addition of two members and that they be instructed to report amendments to the present law, which he also withdrew.

The question was then taken on Mr. Lacey's motion, which was lost as follows :

Yeas—Mr. Lacey—1.

Nays—Messrs. Anderson, Andrews, Axford, Barnard, Brown, Carpenter, J. L. Gage, Wm. Gage, Goodell, Godfroy, Goodwin, Hagaman, Hixon, Howe, Johnson, Lamb, Lothrop, Lawrence, Littlejohn, McCamly, McLeod, Moore, Mottram, Murray, Olds, Pratt, Provost, Rice, Rowland, Schoolcraft, Smith, Snell, Snow, Vaughn, Vickery, Videto, Waldron, Weld, Younglove, Speaker—40.

Mr. Hagaman then renewed his substitute.

Mr. Moore moved an amendment.

On motion of Mr. Lothrop, the bill was committed to the committee on education.

MESSAGES FROM THE SENATE.

The Speaker announced the following messages from the Senate:

SENATE CHAMBER, }
Monday, Feb. 27, 1843. }

To the Speaker of the House of Representatives :

SIR :—I am instructed by the Senate to return to the House “a bill authorising the state treasurer to receive certain warrants in payment of money due the state,” and respectfully inform the House that the Senate have concurred therein, and also to transmit to the House “a bill to authorize the judge of probate of the county of St. Clair to grant a license to sell certain real estate,” which the Senate have passed and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,
Sec’y of Senate.

The first mentioned bill was ordered to be enrolled.

And the “bill to authorize the judge of probate of the county of St. Clair to grant a license to sell certain real estate,” was referred to the committee on the judiciary.

The Speaker also announced the following message from the Senate :

SENATE CHAMBER. }
Monday, Feb. 27, 1848. }

"To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to inform the House that Senators Bell, Bradley and Cust, have been appointed a committee of conference on the part of the Senate on the disagreement between the two Houses on the "bill to extend the time for the collection of taxes in the city of Detroit."

JAS. E. PLATT,
Sec'y of Senate.

On motion of Mr. Moore,

The House then adjourned until half-past 2 o'clock P. M.

AFTERNOON SESSION.

Half-past 2 o'clock P. M.

Mr. Moore, from the special committee on taxation, made the following report :

The special committee on taxation, to whom was referred the bill to provide for the assessment and collection of taxes, having had the same under consideration, and having carefully reviewed the same,

and coming to the conclusion that the bill is now as perfect and in accordance with all the amendments made in the House, as the said committee can make the same, have instructed me to report the same back to the House, and recommend the passage of the same.

Mr. Lothrop moved to lay the bill on the table.

Mr. Lamb added, "and print."

Mr. Anderson called for a division of the question.

The motion to lay on the table was lost, as follows :

Yeas—Messrs. Anderson, Andrews, Barnard, Johnson, Lamb, Lothrop, McLeod, Mottram, Pratt, Provost, Waldron—11.

Nays—Messrs. Axford, Beach, Brown, Cady, Carpenter, J. L. Gage, Wm. Gage, Goodell, Godfroy, Goodwin, Hixon, Howe, Lacey, Lawrence, Littlejohn, McCamly, Moore, Murray, Olds, Patterson, Poppleton, Rice, Rowland, Schoolcraft, Seely, Smith, Snell, Snow, Vaughn, Vickery, Videto, Weld, Younglove, Speaker—33.

On motion of the Speaker, the special order was postponed, and this bill taken up.

Mr. Littlejohn demanded the previous question, which was sustained.

The question being on concurring with the amendments made by the committee, the vote stood as follows :

Yeas—Messrs. Beach, Carpenter, Wm. Gage, Goodwin, Howe, Lacey, Lawrence, Littlejohn, Patterson, Schoolcraft, Seely, Smith, Vaughn, Vickery, Videto, Speaker—17.

Nays—Messrs. Anderson, Andrews, Axford, Barnard, Brown, Cady, J. L. Gage, Goodell, Godfroy, Hixon, Johnson, Lamb, Lothrop, McCamly, McLeod, Mottram, Murray, Olds, Poppleton, Pratt, Provost, Rice, Rix, Rowland, Snell, Snow, Waldron, Weld, Younglove—29.

The question being on striking out the 54th section of the bill, it was carried as follows :

Yeas—Messrs. Beach, Brown, Carpenter, J. L. Gage, Wm. Gage, Goodell, Godfrey, Goodwin, Hagaman, Howe, Johnson, King, Lacey, Littlejohn, McCamly, Moore, O’Keeffe, Olds, Patterson, Parry, Schoolcraft, Seely, Snow, Vaughn, Videto, Younglove, Speaker—27.

Nays—Messrs. Anderson, Axford, Barnard, Hixon, Lamb, Lothrop, McLeod, Murray, Poppleton, Pratt, Rice, Rowland, Smith, Snell, Vickery, Weld—18.

Mr. Goodwin moved a reconsideration, which was lost.

The question being on ordering the bill engrossed, was decided as follows :

Yeas—Messrs. Axford, Beach, Brown, Cady, Carpenter, Goodell, Godfrey, Goodwin, Hixon, Howe, Johnson, King, Lacey, Lawrence, Littlejohn, McCamly, McLeod, Moore, Olds, Patterson, Poppleton, Pratt, Rice, Rix, Rowland, Schoolcraft, Seely, Snell, Vaughn, Vickery, Videto, Younglove, Speaker—33.

Nays—Messrs. Anderson, Andrews, Barnard, J. L. Gage, Wm. Gage, Lamb, Lothrop, Mottram, Murray, Provost, Smith, Snow, Waldron, Weld—14.

Mr. Littlejohn moved the suspension of the rules that the bill might be read a third time and passed, which prevailed by the following vote :

Yeas—Messrs. Axford, Beach, Brown, Cady, Carpenter, William Gage, Goodell, Godfrey, Goodwin, Hixon, Howe, Johnson, Lacey, Lawrence, Littlejohn, McCamly, McLeod, Moore, Olds, Patterson, Poppleton, Pratt, Rix, Rowland, Schoolcraft, Seely, Smith, Snell, Vickery, Younglove, Speaker—31.

Nays—Messrs. Anderson, Andrews, Barnard, J. L. Gage, Lamb, Lothrop, Mottram, Murray, Provost, Rice, Snow, Vaughn, Videto, Waldron, Weld—15.

The question being on the passage of the bill, the vote stood as follows, and the bill declared to be passed :

Yeas—Messrs. Axford, Beach, Brown, Cady, Carpenter, Wm. Gage, Goodell, Godfroy, Goodwin, Hixon, Howe, Johnson, Lacey, Lawrence, Littlejohn, McCamly, McLeod, Moore, Olds, Patterson, Poppleton, Pratt, Rix, Rowland, Schoolcraft, Seely, Snell, Vaughn, Vickery, Younglove, Speaker—31.

Nays—Messrs. Anderson, Andrews, Barnard, J. L. Gage, Lamb, Lothrop, Mottram, Murray, Provost, Rice, Smith, Snow, Videto, Waldron, Weld—15.

MESSAGES FROM THE GOVERNOR.

The Speaker announced the following messages from the Governor :

EXECUTIVE OFFICE,
Detroit, February 27, 1843. }

To the House of Representatives :

I have this day approved, signed, and deposited in the office of the secretary of state, the following acts, viz :

“An act authorizing the state treasurer to receive certain warrants in payment of money due the state.”

Also, “an act to authorize David Vinnedge, guardian of Marcus Packard, a minor, to convey certain lands.”

JNO. S. BAREY.

EXECUTIVE OFFICE,
Detroit, Feb. 27, 1843. }

To the House of Representatives :

I herewith transmit a communication from General Jackson, acknowledging the receipt of a copy of certain 'joint resolutions' of instruction, passed at the present session, in relation to the fine imposed upon him by Judge Hall. It affords me pleasure as therein requested to tender his gratitude to the legislature.

JOHN S. BARRY.

HERMITAGE, }
9th February, 1843. }

His Excellency JOHN S. BARRY,

Governor of Michigan :

SIR—I have the honor to acknowledge the receipt of your letter of the 19th ultimo, enclosing sundry resolutions passed by the legislature of the state of Michigan, instructing their senators and requesting their representatives to use their best efforts to procure the passage of a law refunding to Gen. Andrew Jackson the amount of the fine imposed on him by Judge Hall in 1815, with interest ; and also declaring "that any attempt to insert in such law any provisions calculated or intended to impugn the conduct or motives of General Jackson on the occasion alluded to, or to approve the course pursued by judge Hall, would be an insult to justice, and a gross misrepresentation of the wishes of the people of the state of Michigan."

These resolutions of the legislature constitute another proof of the fact, that my fellow-citizens are too keenly alive to the feelings of justice, to suffer my character to be injured for the performance of

duties necessary to the defence of our country, and as such they deserve and receive my deepest gratitude, which I beg you will tender to the legislature.

For your private approbatory sentiments, receive my grateful acknowledgments.

Respectfully yours,

(Signed)

ANDREW JACKSON.

On motion of Mr. Littlejohn, 500 copies of the communication of the Governor, together with the enclosed letter from Gen. Jackson, were ordered to be printed.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, }
Monday, Feb. 27, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit a "bill to incorporate the village of Jackson," which the Senate have passed, and respectfully ask the concurrence of the House therein.

Also, to return a "bill to regulate tax sales for the year 1843, and for other purposes," and to inform the House that the Senate have passed the same with sundry amendments, in which they respectfully ask the concurrence of the House.

Also, to inform the House that the Senate have concurred in the report of the committee of conference on the "bill to extend the time for the collection of taxes in the city of Detroit."

Also, to transmit the following entitled bills, which the Senate have passed, and respectfully ask the concurrence of the House therein :

"A bill to change the terms of the court of chancery for the first circuit."

Also, a "bill in relation to the payment of interest on certain state stocks."

JAS. E. PLATT,

Sec'y of Senate.

The first named bill was referred to the committee on banks and incorporations.

The second to the committee on ways and means.

In relation to the third, the House concurred in the report of the committee of conference, and the bill was ordered to be enrolled.

The fourth was referred to the committee on the judiciary; and

The fifth to the committee on ways and means.

SENATE CHAMBER, }
Friday, Feb. 27, 1843. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to transmit to the House "a bill to amend chapter second, title eight, part first of the revised statutes relative to medical societies," which the Senate have passed, and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,

Sec'y of Senate.

And the said bill was referred to the committee on the judiciary.

Mr. Pratt, from the committee on engrossment and enrollment, reported the following entitled bills as correctly enrolled, viz: "An act to authorize David Vinnedge, guardian of Marcus Packard, a minor, to convey certain land;" also, "an act authorizing the state treasurer to receive certain warrants in payment of money due the state," and that the same was this day presented to the Governor for his signature.

On motion of Mr. Johnson, the House resolved itself into committee of the whole, Mr. McLeod in the chair, on the bill to establish a land office and to regulate the sale of public lands.

The committee had the same under consideration until the hour of adjournment, rose and reported progress, asked for and obtained leave to sit again.

Mr. Lothrop asked for and obtained leave of absence for Mr. Bush until to-morrow.

Mr. Goodwin for Mr. Purdy, Mr. Mottram for Mr. Lee, Mr. Patterson for Mr. Hagaman.

And the House adjourned until to-morrow morning at 10 o'clock.

TUESDAY, Feb. 23, 1843.

The House met pursuant to adjournment.

The Journal of yesterday was read and amended.

PETITIONS.

By Mr. Pratt. Of citizens of the county of Oakland, praying the legislature to amend the law in certain criminal cases. Referred to the committee on the judiciary.

REPORTS.

Mr. Goodwin, from the committee of ways and means to whom was referred the petition of Thomas D. Gillett, reported that any losses that may have been occasioned him by the operation of any law of the legislature, are deeply to be regretted. But at the same time if all such claims were to be refunded by the State, it is easy to foresee that great embarrassment would be thereby occasioned.

Such instances however of the ill effects of allowing laws to take immediate effect, shows how cautious we ought to be in passing such provisions, and the committee asked and were discharged from the further consideration thereof.

Mr. Goodwin, from the same committee, reported back the bill from the Senate "to regulate tax sales for the year 1843 and for other purposes," which was on motion of Mr. Lamb, laid on the table.

Also, the "bill in relation to the payment of interest on certain state stock," recommending its passage, which was referred to the committee of the whole.

Also, on the petition of Isaac Kelly and others, in relation to certain auditor general's warrants, beg leave to report that the payment of interest thereon as provided for in the internal improvement bill, together with the provision to be made in the land office bill for the receipt of said warrants at the land office, is all that the state can now do towards affording the relief so much desired by all concerned.

And the committee asked and obtained a discharge from the further consideration thereof.

Mr. Bush, from the committee on banks and incorporations to whom was referred a Senate bill to amend an act entitled an act to

amend an act entitled an act to incorporate the village of Pontiac, having had the same under consideration, reported the same back to the House without amendment and recommended its passage, and the bill was referred to the committee of the whole.

Mr. Barnard, from the committee on education to whom was referred the petition of Luther Humphrey and others, citizens of Cass county, praying that no direct tax for school purposes be authorised by this legislature, having had the same under consideration, reported adverse to the prayer of said petition and asked that the committee be discharged from the further consideration of the subject, and they were discharged accordingly.

Mr. Littlejohn, from the committee on the judiciary to whom was referred the Senate bill "to change the terms of the court of chancery for the first circuit," reported the same back to the House recommending its passage, and the bill was referred to the committee of the whole.

Mr. Littlejohn, from the committee on the judiciary to whom was referred the Senate bill "to organize the supreme courts and circuit courts and to organize the courts ofoyer and terminer and to regulate the proceedings therein," have examined the same with an anxious desire to accomplish the great wish of the people to remedy abuses arising under the present judicial system. But your committee have found themselves unable to agree upon many of the provisions of said bill and therefore report the same back to the House and pray to be discharged from its further consideration. And the bill was referred to the committee of the whole.

Mr. Littlejohn, from the committee on the judiciary to whom was referred the Senate bill to authorize the judge of probate of St. Clair to grant a license to sell certain real estate, reported the same back to the House recommending its passage. And the bill was referred to the committee of the whole.

Mr. Littlejohn, from the committee on the judiciary to whom was referred the Senate bill "relative to medical societies," having fully examined the same, reported it back to the House with a recommen-

dation that the House bill upon the same subject be substituted therefor, and the bill was referred to the committee of the whole.

RESOLUTION.

On motion of Mr. Patterson,

Resolved, That this House will hold an additional daily session until otherwise ordered, commencing at 7 P. M.

On motion of Mr. Anderson,

The "bill organizing certain townships," was made the special order for Wednesday evening next.

On motion of Mr. Vickery,

The "bill to amend an act to reduce the price of university and school lands, and for other purposes," was discharged from the committee of the whole and lies upon the table.

On motion of Mr. Lamb, amended by Mr. McLeod, the committee on printing were requested to investigate into the cause of the back journals not being printed, and also the Governor's Message in French and German.

Mr. Lothrop asked to be discharged from the committee on printing, which the House refused.

Mr. Lamb called for the consideration of the Senate resolution relative to adjournment, which motion was lost by the following vote :

Yeas—Messrs. Axford, Barnard, Beach, Bush, Goodell, Lamb, Lothrop, Lawrence, Lee, Mottram, Patterson, Poppleton, Pratt, Rice, Rowland, Schoolcraft, Smith, Snell, Snow, Vickery, Videto, Waldron, Weld, Speaker—24.

Nays—Messrs. Anderson, Andrews, Brown, Cady, Carpenter, J. L. Gage, Wm. Gage, Godfrey, Goodwin, Hagaman, Hixon, Howe, Johnson, King, Lacey, Littlejohn, McCamly, McLeod, Moore, Murray, O'Keeffe, Olds, Provost, Rix, Seely, Younglove—26.

UNFINISHED BUSINESS.

The House now resolved itself into committee of the whole on the special order, being the "bill to establish a land office and to regulate the sale of public lands," Mr. McLeod in the chair.

And being engaged thereon until the hour of adjournment, the committee rose, reported progress, asked and obtained leave to sit again.

AFTERNOON SESSION.

Half-past 2 o'clock P. M.

The Speaker announcing the special order,

On motion of Mr. Smith, the committee of the whole were discharged therefrom, and the bill taken up by the House.

The amendments of the committee of the whole were then concurred in, with the exception of those to the 5th section, which were rejected.

The question on concurring in the amendment striking out "Marshall, in the county of Calhoun," and inserting "Detroit, in the county of Wayne," being taken by yeas and nays, prevailed as follows :

Yeas—Messrs. Barnard, Beach, Bush, Cady, Carpenter, J. L. Gage, Hagaman, Hixon, Howe, King, Lamb, Lawronce, Lee, Liv-

ermore, Moore, Murray, Olds, Patterson, Poppleton, Pratt, Provost, Rice, Rowland, Seely, Smith, Snow, Vaughn, Videto, Waldron, Younglove—30.

Nays—Messrs. Anderson, Andrews, Brown, Wm. Gage, Goodell, Goodwin, Johnson, Lacey, Lothrop, Littlejohn, McCamly, McLeod, Mottram, Rix, Schoolcraft, Snell, Vickery, Weld, Speaker—19.

Mr. Murray moved to strike out \$1000 and insert \$800, which motion was amended by Mr. Carpenter to read \$600, and lost.

Mr. Lothrop moved to strike out "Detroit, in the county of Wayne," and insert "Grand Rapids, in the county of Kent," which was lost.

Mr. Schoolcraft offered an amendment to the 25th section, which he subsequently withdrew.

Mr. Goodwin modified and renewed the amendment, which was lost.

Mr. Lothrop moved to strike out 30 and insert 60, which did not prevail.

Mr. Littlejohn moved to strike out and insert 42.

Mr. Bush called for a division of the question, and the motion to strike out was lost.

Mr. Lamb moved the following amendment, to come in at the end of the first section :

"To be paid in the lands of the state, university and school lands excepted," which was lost as follows :

Yeas—Messrs. Carpenter, Goodell, Hagaman, Lamb, Provost, Rice, Seely—7.

Nays—Messrs. Anderson, Andrews, Barnard, Beach, Brown, Bush, Cady, J. L. Gage, Wm. Gage, Goodwin, Hixon, Howe, Johnson, King, Lacey, Lothrop, Lawrence, Lee, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, Murray, O'Keeffe, Olds, Patterson, Poppleton, Pratt, Rowland, Schoolcraft, Smith, Snell, Snow, Vaughn, Vickery, Videto, Waldron, Weld, Younglove, Speaker—42.

Mr. Rowland moved to strike out from the salary clause \$1000 and insert \$750.

Mr. Littlejohn then demanded the previous question, which was sustained.

The question being then taken on "striking out," the same prevailed, and the yeas and nays being taken on inserting \$750, stood as follows :

Yeas—Messrs. Anderson, Barnard, Bush, Cady, Carpenter, Wm. Gage, Goodell, Hagaman, Hixon, Howe, King, Lee, Murray, Olds, Patterson, Poppleton, Rice, Rowland, Seely, Waldron—20.

Nays—Messrs. Andrews, Beach, Brown, J. L. Gage, Goodwin, Johnson, Lacey, Lamb, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, Pratt, Provost, Rix, Schoolcraft, Smith, Snell, Snow, Vaughn, Vickery, Videto, Weld, Younglove, Speaker—29.

Mr. Lamb moved the suspension of the rules that the bill might come up for a third reading, which motion was lost, and the bill lies on the table until to-morrow.

MILITIA BILL.

The militia bill being next on the special order, came up, when

Mr. Lamb moved to lay the same on the table, which motion failed.

The House then resolved itself into committee of the whole thereon, Mr. Waldron in the chair.

After being engaged until the hour of adjournment, the committee rose, reported progress, asked for and obtained leave to sit again.

Mr. Rowland moved that the House now adjourn, which motion was lost on division; when,

On motion of Mr. Johnson, the House did adjourn until to-morrow morning at 9 o'clock.

WEDNESDAY, March 1, 1843.

The House met pursuant to adjournment.

The journal of yesterday was read and corrected.

PETITIONS.

Of sundry citizens of Oakland county, remonstrating against the collecting laws, and asking relief of school and seminary bonds. Referred to the committee of the whole.

REPORTS.

Mr. Hixon, from the committee on banks and incorporations, to whom was referred the bill from the Senate to amend an act entitled an act to amend an act entitled an act to incorporate the village of Marshall, and for other purposes, approved Feb. 12, 1842, reported the same back without amendment, and the same was referred to the committee of the whole.

Mr. Lothrop, from the committee on printing, reported that the Governor's message in the German language is ready for delivery, and that in French will be in readiness within three days, as he is informed.

The committee on banks and incorporations, to whom was referred a Senate bill to amend an act entitled an act to incorporate the stockholders of the Michigan Insurance Company of Detroit, approved March 7th, 1834, having had the same under consideration, reported the same back to the House with sundry amendments, in which they asked the concurrence of the House.

The same committee, to whom was referred a Senate bill to amend the charter of the city of Detroit, having had the same under consideration, reported the same back to the House without amendment, and recommended its passage.

Mr. Anderson, from the committee on the organization of towns and counties, to whom was referred sundry petitions praying the legislature to divide, organize and alter boundary lines of certain townships, having had the same under consideration, reported adverse to the prayer of the petitioners, and asked to be discharged from their further consideration, and the committee were accordingly discharged.

Mr. Carpenter, from the select committee on amendment to the constitution, to strike out the word white, made a report in detail, which was ordered printed.

Mr. Carpenter then laid the following joint resolution on the table:

A joint resolution in relation to the amendment of the constitution.

Resolved, by the Senate and House of Representatives of the state of Michigan, That the constitution of the state of Michigan be amended by expunging the word "white" from the second article thereof, and that the secretary of state be required to give three months notice of the same, prior to the next annual election, and that this proposition be referred to the next legislature.

Mr. Bush, from the committee on banks and incorporations, to whom was referred the bill to amend "an act to incorporate the stockholders of the Michigan insurance company of Detroit," approved March 7th, 1834, reported the same back with amendments, which together with the bill, was referred to the committee of the whole.

Mr. Bush, from the committee on banks and incorporations, to whom was referred the bill to incorporate the village of Jackson, having had the same under consideration, reported the same back to the House without amendment, for the action of the same, and the same was referred to the committee of the whole.

Mr. Purdy, from the select committee on the subject, submitted the following report, which was accepted and the committee discharged:

The special committee to whom was referred the communication of the Hon. Jacob M. Howard, with the accompanying documents, in reply to certain resolutions of instruction passed by this legislature, relative to the fine imposed on Gen. Jackson by Judge Hall, respectfully report :

That, having carefully examined the same, they find it to assume the two following positions :

First, That the Hon. Jacob M. Howard, Representative of the state of Michigan in the congress of the United States, "does not concede to the legislature of this state the right to determine, for him, what may be the sentiment of the people of Michigan, touching any measure which may be agitated in congress."

Secondly, That the request contained in the said resolutions of this legislature, is the individual request of those members of the legislature who voted for the resolutions, and not an expression of the sentiments of the people of Michigan through their representatives ; and consequently, that a compliance or non-compliance, by him, with such request, is a matter simply and exclusively between himself as a member of congress, and such members of this legislature as voted for the resolutions in question.

Entertaining and expressing these views, Mr. Howard regards such resolutions as merely a memorial or prayer of certain individuals, now members of the legislature, asking him to vote for a certain measure now pending in congress.

The committee are clearly of opinion, that while Mr. Howard adheres to such a construction of the resolutions communicated to him, he cannot reasonably expect the legislature of Michigan, as a public body, to hear his reasons for refusing to comply with the request under consideration : under Mr. Howard's construction he responds, not to the legislature as a body, nor to the people of Michigan through their representatives, but to certain individuals, petitioners to him in his honorable capacity.

Your committee are further of opinion, and aver that the present legislature of Michigan does embody and express the sentiments and feelings of the people of Michigan, upon all general topics not entirely new to them; and particularly that this is the case upon the subject of the fine imposed on Gen. Jackson. And further, that the Hon. representative of this state in congress, in the construction he has put upon your resolutions, has shown that he does not entertain correct views in regard to the first principle of representative government, which is, that the representative should comply with the wishes of those whom he represents: or if he entertains correct sentiments in regard to this point, that he has shown, in his communication, a disposition to depart from such principle.

Believing such to be the correct view of the subject submitted to them, your committee recommend that the communication of Mr. Howard be considered as addressed to the Speaker of this House in his private capacity, and ask to be fully discharged from its further consideration.

ROBERT PURDY, *Chairman.*

Whilst this report was under consideration, Mr. Waldron moved the printing of the report and communication.

On motion of Mr. Schoolcraft, the report was adopted, and the committee discharged from the consideration thereof.

Mr. Lamb called for the reading of the communication.

Mr. Bush moved to dispense with the reading.

Pending the discussion, Mr. Schoolcraft called Mr. Lamb to order.

Mr. Lamb asked that the point of order be sent up in writing.

Mr. Schoolcraft sent up the following point of order:

"That the gentleman from Lapeer had spoken twice upon the question before the House, which was all that was admissible under the 8th rule."

Mr. Lamb raised the following question of order :

That as he had asked permission of the House to proceed in explanation, and as the House had tacitly granted him this request, the gentleman from Chippewa was not in order, in his point of order.

The chair decided Mr. Lamb out of order.

Mr. Lamb appealed from the decision of the chair.

The house sustained the chair.

The question being then taken by yeas and nays whether the communication should be read, it was decided in the negative :

Yeas—Messrs. Anderson, Andrews, Barnard, Carpenter, Godfroy, Hagaman, Hixon, Lamb, Lee, Livermore, Pratt, Provost, Rice, Snell, Videto, Waldron, Speaker—17.

Nays—Messrs. Beach, Brown, Bush, Cady, J. L. Gage, William Gage, Goodell, Goodwin, Howe, Johnson, King, Lacey, Lothrop, Lawrence, Littlejohn, McCamly, McLeod, Moore, Mottram, Murray, O'Keefe, Olds, Patterson, Poppleton, Purdy, Rowland, Schoolcraft, Seely, Smith, Snow, Vaughn—31.

The question arising on printing, Mr. Littlejohn sent up the following point of order :

“That the motion to print a private paper was not in order.”

The Speaker decided that the motion to print was in order ; whereupon,

On motion of Mr. Lothrop, the further consideration of the communication was indefinitely postponed.

Mr. Goodwin, from the committee of conference, in relation to the preamble to the ‘bill districting the state into congressional districts,’ reported that the committee advised that the House do recede from their amendment thereto, and Mr. Bush moved that the House do recede.

Mr. Johnson demanded the previous question, which demand was sustained by the following vote :

Yeas—Messrs. Andrews, Barnard, Brown, Bush, Cady, Carpenter, J. L. Gage, Win Gage, Goodell, Godfroy, Goodwin, Hagan-

man, Howe, Johnson, King, Lacey, Lothrop, Littlejohn, McCamly, Moore, Mottram, Murray, O'Keeffe, Olds, Patterson, Poppleton, Pratt, Purdy, Rix, Rowland, Schoolcraft, Seely, Snell, Snow, Vaughn, Weld, Speaker—37.

Nays—Messrs. Anderson, Beach, Hixon, Lamb, Lawrence, Lee, Livermore, McLeod, Provost, Rice, Videto, Waldron—12.

The question being on receding, Mr. Goodwin asked to be excused, which the House refused, and the vote being taken stood as follows :

Yeas—Messrs. Anderson, Andrews, Barnard, Brown, Bush, Cady, Carpenter, J. L. Gage, Wm. Gage, Goodell, Godfroy, Hagaman, Hixon, Howe, Johnson, King, Lacey, Lothrop, Lee, Moore, Mottram, Murray, O'Keeffe, Olds, Poppleton, Pratt, Purdy, Rowland, Seely, Snell, Snow, Vaughn, Speaker—33.

Nays—Messrs. Beach, Goodwin, Lamb, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Patterson, Provost, Rice, Rix, Schoolcraft, Smith, Videto, Waldron, Weld—17.

Mr. Lamb called for the consideration of the resolution passed at the session of 1842, amending the constitution.

Mr. Hagaman moved a call of the House, which question was taken by yeas and nays :

Yeas—Messrs. Barnard, Beach, Bush, Cady, Carpenter, J. L. Gage, Wm. Gage, Hagaman, Hixon, Howe, King, Lacey, Lamb, Lee, Murray, Olds, Patterson, Pratt, Provost, Purdy, Rice, Rix, Rowland, Seely, Videto, Waldron, Speaker—27.

Nays—Messrs. Anderson, Andrews, Brown, Goodell, Godfroy, Goodwin, Johnson, Lothrop, Lawrence, Littlejohn, McCamly, Moore, Mottram, O'Keeffe, Poppleton, Schoolcraft, Snell, Vaughn, Weld—19.

Mr. Hagaman asked for and obtained leave of absence for Mr. Axford.

Mr. Patterson for Mr. Vickery.

Mr. Brown for Mr. Younglove.

The call of the House was then had, and on motion of Mr. Bush, further proceedings under the call were dispensed with, when,

On motion of Mr. Hagaman, the motion was laid on the table until to-morrow.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, }
Feb. 28, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit to the House a “bill relative to crimes, and the punishment thereof,” which the Senate have passed, and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,
Sec’y of Senate.

And the said bill was referred to the committee of the whole

SENATE CHAMBER. }
Thursday, Feb. 28, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return the “bill making appropriations for the improvement of the St. Joseph river,” and to respectfully inform the House that the Senate have non-concurred herein

JAS. E. PLATT,
Sec’y of Senate.

Mr. Snow submitted the following report :

The committee on claims, to whom was referred the following claims, ask leave to report that they have had the same under consideration for some length of time, and have given the several claimants an opportunity to substantiate their respective claims by testimony, but as the committee are of the opinion that the testimony is insufficient to warrant them in recommending that they be allowed, the committee have therefore instructed me, as their chairman, to report as follows :

In regard to the claim of A. B. Monroe, for loss on post notes, adversely.

In regard to the claim of N. N. Kendal, for articles furnished southern railroad, adversely. This claim may be just to some extent, but the testimony before the committee is so conflicting, the committee feel compelled to report against it.

In regard to the claim of A. E. Hathon, for services as clerk of the committee who were appointed by the House of Representatives in 1840, to investigate the accounts, &c., of the several boards of internal improvement, adversely. The committee do not know by what authority the committee of investigation employed a clerk at the expense of the state, and if they had no authority so to do, the claimant should look to them for his pay, and not to the state.

In regard to the claim of D. Hodges for labor performed on state prison, adversely.

In regard to the claim of Harmon and Cook, for labor performed on state prison, adversely.

In regard to the claim of Solomon Brill, for labor performed on state prison, adversely.

In regard to the claim of N. Ingersoll, for labor performed on state prison, adversely.

In regard to the claim of Edward Morrell, for labor performed on state prison, adversely.

In regard to the claim of Phineas Farrand and Samuel Higby, for labor performed on state prison, adversely.

The committee would here state in regard to the above claims, which purport to be for labor performed on state prison, that the claims are in the shape of promissory notes signed by Benjamin Porter, while he was acting commissioner of the state prison, but the notes are not many of them signed officially, and consequently, the notes do not appear to be evidences of debt against the state, but against Mr. Porter, and the committee are not convinced (by the testimony introduced before them) that the state has had the services for which the claimants contend these notes were given, but should this be admitted, then the committee are not satisfied but that the several claims have been allowed to Mr. Porter in a previous settlement with him.

The committee ask to be discharged from the further consideration of all the claims above mentioned, and move that the claimants have leave to withdraw their papers.

F. S. SNOW, *Ch'n.*

And the committee were discharged accordingly.

BILLS PASSED.

The "bill to organize a land office and to provide for the sale of state lands," coming up for a third reading Mr. Lamb moved to re-commit the bill with instructions to so modify it as to make the auditor general register and the state treasurer receiver of the land office, and to confide the whole business to them.

Mr. Smith demanded the previous question, which demand was sustained by the following vote :

Yeas—Messrs. Anderson, Beach, Brown, Bush, Cady, Carpenter, J. L. Gage, Goodell, Howe, Johnson, King, Lacey, Lothrop, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, Murray, O'Keefe, Olds, Patterson, Pratt, Purdy, Rice, Rix, Rowland, Schoolcraft, Smith, Snell, Vaughn, Videto, Speaker—34.

Nays—Messrs. Andrews, Wm. Gage, Godfrey, Goodwin, Hagaman, Hixon, Lamb, Lawrence, Lee, Poppleton, Provost, Seely, Waldron—13.

Mr. Rowland moved a reconsideration of the vote, which was lost as follows :

Yeas—Messrs. Andrews, Barnard, Cady, Carpenter, Wm. Gage, Goodell, Godfrey, Hagaman, Hixon, Lacey, Lamb, Lawrence, Lee, Murray, Olds, Patterson, Pratt, Provost, Rice, Rowland, Seely, Snell, Waldron—23.

Nays—Messrs. Anderson, Beach, Brown, Bush, J. L. Gage, Goodwin, Johnson, King, Lothrop, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, O'Keefe, Poppleton, Purdy, Rix, Schoolcraft, Smith, Vaughn, Videto, Weld, Speaker—25.

March 1.] HOUSE OF REPRESENTATIVES.

The bill was then passed as follows :

Yeas—Messrs. Anderson, Beach, Brown, Cady, Carpenter, Gage, Goodell, Godfroy, Goodwin, Hagaman, Hixon, Howe, Johnson, King, Lacy, Lothrop, Lawrence, Lee, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, O'Keeffe, Olds, Patterson, Poppleton, Pratt, Provost, Rix, Schoolcraft, Seely, Smith, Snell, Vaughn, Videto, Waldron, Weld, Speaker—40.

Nays—Messrs. Andrews, Barnard, Bush, Wm. Gage, Lamb, Murray, Rowland—8.

Mr. Goodwin called up from the table the bill relative to taxes of 1837, 1838 and 1839, and the amendments of the Senate, together with an amendment from the committee of ways and means, were concurred in.

NOTICE.

Mr. Lee gave notice that he should at an early day ask leave to introduce a bill to incorporate the Oakland county mutual fire insurance company.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, }
March 1, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to inform the House that the Senate insist upon the substitute to the preamble to the "bill to divide the state into congressional districts, and provide for the election of representatives to congress."

Also, to return the "bill regulating notices for delinquent tax judgments," and to respectfully inform the House that the Senate have stricken out all after the enacting clause of said bill,

Also, to transmit the following entitled joint resolutions, which the Senate have adopted, and respectfully ask the concurrence of the House therein:

"Joint resolution proposing amendment to the constitution relative to the qualification of voters," also,

"Joint resolution relative to the claim of Austin M. Gould."

JAS. E. PLATT,

Sec'y of Senate.

And the first named resolution was referred to the committee on the judiciary and the second to the committee on claims.

SPECIAL ORDER.

The House then resolved itself into committee of the whole on the special order, being the "bill for the better organization of the militia," Mr. Waldron in the chair.

After some time spent thereon, the committee rose, reported progress, asked and obtained leave to sit again.

And the House adjourned until half-past 2 o'clock.

AFTERNOON SESSION.

Half-past 2 o'clock P. M.

PETITIONS.

By Mr. Livermore. Claim of V. S. Akin. Referred to the committee on ways and means.

Mr. Patterson asked and obtained leave of absence for Mr. Haggaman.

Mr. Lothrop moved the indefinite postponement of the militia bill, which was lost by yeas and nays as follows :

Yeas—Messrs. Anderson, Barnard, Brown, Bush, Cady, Williams Gage, Goodell, Hixon, King, Lacey, Lothrop, Olds, Poppleton, Pratt, Purdy, Rowland, Smith, Snow, Vaughn—19.

Nays—Messrs. Andrews, Beach, Carpenter, Howe, Lamb, Lawrence, Lee, Littlejohn, Livermore, McLeod, Moore, Mottram, Murray, Patterson, Provost, Rice, Rix, Schoolcraft, Seely, Snell, Vido, Waldron, Speaker—24.

And the House again resolved itself into committee of the whole on the special order, Mr. Waldron in the chair.

After going through the bill the committee rose and reported the same back, when the House concurred in the amendments, when

Mr. Lothrop moved to strike out all after the enacting clause, which was lost :

Yeas—Messrs. Anderson, Barnard, J. L. Gage, Wm. Gage, Goodell, Godfroy, Hixon, Lacey, Lothrop, Lee, Olds, Poppleton, Rowland, Snow, Vaughn—15.

Nays—Messrs. Andrews, Beach, Brown, Bush, Cady, Goodwin,

Howe, Johnson, King, Lamb, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, Murray, Patterson, Pratt, Provost, Rice, Rix, Schoolcraft, Seely, Smith, Snell, Waldron, Weld, Younglove, Speaker—31.

Mr. Moore moved to recommit the bill to the committee on the militia, and add two members to the committee.

Mr. Lamb demanded the previous question, which did not prevail.

Mr. Bush sent up an amendment to the first section, which prevailed.

On motion of Mr. Littlejohn, so much of the 37th section as relates to highway tax, was stricken out.

On motion of Mr. Moore, all of sec. 51 was stricken out, except that part alluding to the Adjutant General.

Mr. Rowland moved to strike out that part also, which was lost.

On motion of Mr. Howe, eight was stricken out and four inserted.

On motion of Mr. Lamb, six was stricken out and five inserted, as to period of service.

On motion of Mr. Lothrop, the 88th section was so amended that the law shall not take effect until the first of February next.

Mr. Rowland moved to strike out the 87th section, which was lost.

Mr. Goodwin moved to refer back with instructions first to strike out all pay except to Adjutant General.

Second, to so frame the bill that there be no musters except of officers, musicians and uniform companies.

And the question being taken by yeas and nays, the motion was lost :

Yeas—Messrs. Anderson, Bush, Cady, Carpenter, J. L. Gage, Goodell, Godfroy, Goodwin, Hixon, Howe, King, Lacey, Littlejohn, McCamly, Moore, Murray, Poppleton, Rice, Rowland, Seely, Vaughn, Weld, Younglove—23.

Nays—Messrs. Andrews, Barnard, Beach, Brown, Wm. Gage, Johnson, Lamb, Lothrop, Lawrence, Livermore, McLeod, Olds, Patterson, Pratt, Provost, Rix, Schoolcraft, Smith, Snell, Snow, Videto, Waldron, Speaker—23.

Mr. Lamb demanded the previous question, which prevailing, the bill was ordered engrossed by the following vote :

Yeas—Messrs. Andrews, Beach, Brown, Bush, Cady, Goodell, Hixon, Howe, Johnson, King, Lamb, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Moore, Patterson, Pratt, Provost, Rice, Rix, Schoolcraft, Seely, Videto, Waldron, Younglove, Speaker—28.

Nays—Messrs. Anderson, Barnard, Carpenter, J. L. Gage, Wm. Gage, Godfroy, Goodwin, Lacey, Lothrop, Lee, Murray, Olds, Poppleton, Rowland, Smith, Snell, Snow, Vaughn, Weld—19.

On motion of Mr. Lothrop, the rules were suspended.

Mr. Seely moved to lay on the table, which was lost.

Mr. Lacey moved that the bill be read by its title, when on motion the House adjourned until 7 o'clock this evening.

EVENING SESSION.

Seven o'clock.

A quorum present.

Mr. Seely asked and obtained leave of absence for Messrs. Axford and Beach.

Mr. Waldron for Mr. Brown.

Mr. Goodwin for Mr. Purdy.

On motion of Mr. Littlejohn, the vote suspending the rules to take up the militia bill was reconsidered, and the bill lies on the order for engrossment.

On motion of Mr. Littlejohn, the committee of the whole were discharged from the further consideration of the "bill to amend an act entitled an act to repeal the acts consolidated in the revised statutes."

The same was taken up in the House, and on motion of Mr. Lathrop, the rules were suspended, and the bill passed.

The special order was laid on the table, and on motion of Mr. Lathrop,

The House went into committee of the whole on the general order, Mr. Lamb in the chair.

They had under consideration the following bills :

1. "A bill for the relief of Benjamin Irish."
2. "A bill for the relief of prisoners on jail limits."
3. "A bill relative to crimes and the punishment thereof."

The committee rose and reported the bills to the House with the amendments, and asked the concurrence of the House therein.

On the first mentioned bill,

On motion of Mr. Pratt, the House concurred in the amendments made in committee of the whole.

On motion of Mr. Seely, the rules were suspended that the bill might be passed.

The bill was then read a third time, and passed by the following vote :

Yeas—Messrs. Anderson, Andrews, Bush, Cady, J. L. Gage, Wm. Gage, Goodell, Goodwin, King, Lacey, Lathrop, Lawrence, Lee, Livermore, McLeod, Moore, Olds, Poppleton, Pratt, Rix, Rowland, Schoolcraft, Seely, Smith, Snell, Vaughn, Videto, Waldron, Weld, Speaker—30.

Nays—Messrs. Hixon, Lamb, Littlejohn, McCamly, Patterson, Provost, Rice, Snow—8.

Mr. Lamb moved a reconsideration, and then moved to lay the motion on the table.

The motion to lay on the table was lost.

The question recurring on the reconsideration it was also lost.

Mr. Lamb had the unanimous consent of the House to change his vote, having voted in the affirmative, it was changed to the negative.

On the second named bill the House concurred in the substitute for the Senate amendment.

Mr. Seely moved and the definite postponement of the third named bill.

On motion of Mr. Goodwin, the bill was laid on the table.

On motion of Mr. Lamb, the joint resolution relative to the claim of Zephaniah Platt, was taken up by the House.

The amendment of the committee on the judiciary was concurred in.

Mr. Lothrop moved the indefinite postponement of the bill, which was lost by the following vote :

Yeas—Messrs. Bush, Cady, Carpenter, Goodell, Howe, King, Lacey, Lothrop, Lee, McCamly, Olds, Poppleton, Weld—13.

Nays—Messrs. Anderson, Andrews, J. L. Gage, Wm. Gage, Goodwin, Hixon, Lamb, Lawrence, Littlejohn, Livermore, McLeod, Moore, Murray, Patterson, Pratt, Provost, Rice, Rowland, Schoolcraft, Seely, Smith, Snell, Snow, Vaughn, Videto, Waldron, Speaker—27.

The bill, as amended, was then read a third time and passed.

Mr. Snow, from the committee on claims, to whom was referred the joint resolution relative to the claim of Austin M. Gould, having had the same under consideration, reported the same back and recommended its adoption.

MESSAGE FROM THE SENATE.

The Speaker announced the following message from the Senate:

SENATE CHAMBER, }
March 1, 1843. • }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return a “bill to repeal sections 43 and 46 of chapter 1st, title 7th, part first of the revised statutes,” and to respectfully inform the House that the Senate have concurred therein.

Also, to return the “bill to organize a land office and to regulate the sale of the public lands,” and to respectfully inform the House that the Senate have non-concurred in the House amendment striking “one thousand” out of the 6th line of section 1, the amendment striking out the 13th section, and the amendment changing the location of the land office ; and that they have concurred in the rest of the House amendments.

JAS. E. PLATT,
Sec’y of Senate.

And the last mentioned bill was laid on the table.

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE. }
Detroit, March 1, 1843. }

To the House of Representatives :

I have this day approved, signed and deposited in the office of the secretary of state,

“An act to provide for the completion and preservation of that portion of the Clinton and Kalamazoo canal between the villages of Rochester and Frederick.”

JOHN S. BARRY.

Mr. Bush asked and obtained leave of absence for Mr. Barnard.

And the House then adjourned until 10 o'clock to-morrow morning.

THURSDAY, March 2, 1843.

The House met pursuant to adjournment.

The journal of yesterday was read and corrected.

Mr. Rice, from the committee on education, to whom was re-committed the bill relative to common or primary schools, having had the same under consideration, a majority of that committee has instructed him to make the following

REPORT :

The committee believing the House bill to be more systematic in the arrangement of its several parts, and decidedly shorter than the bill to them referred, have decided to incorporate into the House bill, which is made the ground-work, such portions of the Senate bill as they deem most valuable. In the bill herewith reported as a substitute, the committee have endeavored to embody the virtues of both without retaining the errors or inconsistencies of either. How far they have been successful in those endeavors, is left for the good sense of the House to determine. The committee here take occasion to say that with very few exceptions they have made the provisions in the substitute to comport, as they believe, with the views of this House. All that is asked, is a thorough investigation of the merits of the bill referred, and herewith reported back as corrected by the minority, and of this substitute therefor, and they respectfully ask to be discharged from the further consideration of the subject.

And the committee were discharged and both bills referred to the committee of the whole.

Mr. Barnard from the committee on education, to whom was referred "a bill for the relief of school district no. 4, of the township of Owasso, in the county of Shiawassee and state of Michigan," having had the same under consideration, and not having sufficient evidence before them, on which to found an opinion as to the merits of the bill, reported the same back to the House without any recommendation, and asked to be discharged from its further consideration. And the committee were discharged and the bill referred to the committee of the whole.

Mr. Littlejohn, from the committee on the judiciary, to whom was referred the resolution of inquiry into the expediency of having a general index of the existing statutes and session laws made and printed with the session laws of 1843, reported thereon, a "bill to

provide for making and publishing a general index of existing statute and session laws," which was referred to the committee of the whole.

Mr. Lee, pursuant to previous notice, obtained leave to introduce a "bill to incorporate the Oakland county mutual fire insurance company," which was referred to the committee on banks and incorporations.

MOTIONS.

Mr. Lamb moved that the clerk be authorized to procure the printing for this House at any office where it can be promptly executed, which motion did not prevail.

Mr. Lamb called up the Senate joint resolution to adjourn on Monday next, which,

On motion of Mr. Littlejohn, was laid on the table.

GENERAL ORDER.

The House then, on motion of Mr. McLeod, resolved itself into committee of the whole, Mr. Smith in the chair, on 1st, the "bill to reduce expenses in townships."

2d. A "bill to authorize the construction of dams across the Grand river in the county of Ingham."

3d. Senate "bill to provide for the payment of the claim of Morgan Bates, late of the firm of Dawson and Bates."

4th. A "bill to amend part first, title 7, chapter 6, of the revised statutes relative to the interest of money."

The committee having gone through the same, rose and reported the same back with amendments to the first, second, and fourth bills,

And the House adjourned until 2 o'clock, P. M.

AFTERNOON SESSION.

Half-past 2 o'clock, P. M.

No. 1. This bill from the committee of the whole in the morning, being under consideration,

On motion of Mr. Littlejohn, section 8 was stricken out.

Mr. Lacey proposed to fill its place with the following :

Sec. 8. The record of the official oaths of the township officers as heretofore required, is hereby dispensed with.

Mr. Pratt moved to amend the 5th section, by inserting "supervisor" before the word "justice," which motion was lost.

Mr. Lacey's motion was then taken and lost.

Mr. Weld moved to supply the 8th section with "the oath of the several officers shall be kept on file but shall not be recorded," which motion was lost,

On motion of Mr. Littlejohn, the 6th section was then stricken out.

Mr. Rowland moved to strike out all after the enacting clause which was lost by yeas and nays as follows :

Yeas—Messrs. Barnard, Brown, Bush, Cady, Goodwin, Hagaman, King, Lamb, Lawrence, Lee, Littlejohn, Livermore, Oks, Poppleton, Provost, Rice, Rowland, Videto—18.

Nays—Messrs. Anderson, Axford, Beach, Carpenter, J. L. Gage, Wm. Gage, Goodell, Godfroy, Hixon, Johnson, Lacey, Lothrop, McCamly, McLeod, Moore, Mottram, Murray, Patterson, Pratt, Rix, Schoolcraft, Seely, Smith, Snell, Vaughn, Vickery, Waldron, Weld, Speaker—30.

Mr. Smith to fill 8th section with the following words: "So much of any act or acts as requires the overseers of highways to take an oath or affirmation before they enter on the duties of their offices is hereby repealed," which was also lost.

Mr. Littlejohn demanded the previous question, which being sustained, and

The question on ordering the bill engrossed taken by yeas and nays, was lost.

Yeas—Messrs. Anderson, Axford, Beach, Carpenter, J. L. Gage, Hixon, Johnson, Lacey, Lothrop, Littlejohn, McCamly, McLeod, Moore, Mottram, Murray, Patterson, Pratt, Schoolcraft, Seely, Smith, Snell, Snow, Vickery, Waldron, Weld—25.

Nays—Messrs. Andrews, Barnard, Brown, Bush, Cady, William Gage, Goodell, Godfroy, Goodwin, Hugaman, King, Lamb, Lawrence, Lee, Livermore, Olds, Poppleton, Provost, Rice, Rix, Rowland, Vaughn, Videto, Younglove, Speaker—25.

No. 2 of said bills being under consideration,

Mr. Carpenter moved to amend with the following: "The township board of the township where said dams or either of them are built, shall have power to destroy the same whenever they shall consider it necessary for the health of the people in the vicinity," which amendment was lost, and

The bill ordered to be engrossed for a third reading.

No. 3 of said bills was then ordered to a third reading to-morrow.

No. 4 coming up for consideration,

Mr. Vaughn moved to discharge the committee of the whole from the further consideration thereof, which prevailed.

Mr. Bush moved to strike out all after the enacting clause, when

Mr. Lothrop offered a substitute which was adopted, and

The bill ordered to be engrossed for a third reading.

Mr. Littlejohn moved that the committee of the whole be discharged from the consideration of the "bill to amend an act entitled an act to incorporate the stockholders of the Michigan insurance company of Detroit," approved March 7th 1834, which motion prevailing, the

amendments as proposed by the committee on banks and incorporations were concurred in with an amendment.

Mr. McLeod moved to strike out the 3d section, which was lost, when,

On motion of Mr. Lothrop, the bill was laid on the table.

MESSAGE FROM THE SENATE.

SENATE CHAMBER,
Friday, March 2, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit a bill entitled an act to establish branches of the Farmer's and Mechanic's bank of Michigan, bank of Michigan and bank of River Raisin, approved March 7, 1834," which the Senate have passed and respectfully ask the concurrence of the House therein. Also, to return the bill to regulate tax sales for the year 1843 and for other purposes, together with the House amendments to the Senate amendments to said bill ; and to inform the House that the Senate have concurred in the House amendments with an amendment to the first amendment of the House in which they respectfully ask the concurrence of the House.

JAS. E. PLATT,
Sec'y of Senate.

And the first named bill was referred to the committee on banks and incorporations.

And the House concurred in the amendment of Senate to the first amendment of the House, and the bill was passed.

GENERAL ORDER.

The House then resolved itself into committee of the whole, Mr. Lothrop in the chair on the Senate and House bills to regulate common or primary schools.

After being sometime engaged thereon, rose, reported progress, asked and obtained leave to sit again.

MESSAGES FROM THE SENATE.

The speaker announced the following messages from the Senate :

SENATE CHAMBER, }
March 2, 1842. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit a joint resolution authorizing the appointment of a committee to investigate the affairs and condition of the bank of St. Clair, which the Senate have adopted and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,
Sec'y of Senate.

And the said joint resolution on motion of Mr. Smith was laid on the table.

SENATE CHAMBER, }
March 2, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit a bill making appropriations for the improvement of the St. Joseph river, which the Senate have passed and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,
Sec'y of Senate.

Mr. Rice moved that the said bill be printed, which motion was lost.

Mr. Goodwin moved a suspension of the rules that the bill be taken up and passed to day.

Mr. Smith moved a call of the House, which was lost.

Mr. Rowland moved an adjournment which was carried by yeas and nays :

Yeas—Messrs. Axford, Barnard, Brown, Bush, Carpenter, William Gage, Goodwin, Godfroy, Hagaman, Hixon, Johnson, King, Lothrop, Lawrence, McCamly, Murray, O'Keeffe, Rice, Rix, Rowland, Seely, Smith, Snow, Vaughn, Videto, Waldron, Younglove, Speaker—30.

Nays—Messrs. Anderson, Andrews, Cady, Goodwin, Lacey, Littlejohn, McLeod, Mottram, Olds, Patterson, Poppleton, Pratt, Schoolcraft, Weld—15.

So the House adjourned until 7 o'clock this evening.

EVENING SESSION.

Seven o'clock.

A quorum present.

Mr. Snow asked for and obtained leave of absence for Mr. Brown,

Mr. Goodell for Mr. Godfroy.

Mr. Rice for Mr. Purdy.

Mr. Beach for Mr. Seely.

Mr. Speaker for Mr. Vaughn.

Mr. Hagaman for Mr. Younglove.

The question being now taken on Mr. Goodwin's motion to suspend the rules to take up the "bill from the Senate making appropriations for the improvement of the St. Joseph river," and put the same on its passage, prevailed, and the bill was passed by yeas and nays as follows :

Yeas—Messrs. Anderson, Andrews, Beach, Cady, Goodwin, Johnson, King, Lacey, Lamb, Lothrop, Lawrence, Littlejohn, McCamly, McLeod, Moore, Mottram, Pratt, Provost, Rix, Snow, Vickery, Waldron, Weld, Speaker—24.

Nays—Messrs. Axford, Barnard, Bush, Carpenter, J. L. Gage, Wm. Gage, Goodell, Hagaman, Hixon, Howe, Lee, Livermore, Murray, Olds, Patterson, Poppleton, Rice, Rowland, Videto—19.

Mr. Vickery called up the "bill to amend an act to reduce the price of university and school lands, and for other purposes," when the same being under consideration, Mr. Pratt sent up a substitute for the whole bill.

Mr. Hagaman offered an amendment which was lost :

Yeas—Messrs. Axford, Beach, Cady, Carpenter, Hagaman, Johnson, Lawrence, Olds, Patterson, Pratt, Rix, Waldron, Speaker—13.

Nays—Messrs. Andrews, Barnard, Bush, J. L. Gage, Wm. Gage, Goodell, Goodwin, Hixon, Howe, King, Lacey, Lamb, Lothrop, Lee, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, Murray, Poppleton, Provost, Rice, Rowland, Smith, Snow, Videto, Weld—27.

Mr. McLeod demanded the previous question, which was lost.

Mr. Patterson moved to lay on the table, which prevailed.

Mr. Bush called up the joint resolution relative to the claim of Austin M. Gould, and the same being considered,

Mr. Littlejohn moved to strike out "just and equitable," which was lost.

The resolution was then adopted.

Mr. Johnson asked for and obtained leave of absence.

GENERAL ORDER.

On motion of Mr. Anderson, the House resolved itself into committee of the whole on the general order, Mr. Littlejohn in the chair.

The committee having had the following bills under consideration, rose and reported the same back to the House :

1. A bill to organize certain townships, and for other purposes, with amendments, which were concurred in, and the bill laid upon the table.

2. Senate bill to amend chapter 2, title 8, part 1 of the revised statutes, without amendments, which being under consideration, was,

On motion of Mr. McLeod, laid on the table by yeas and nays :

Yeas—Messrs. Anderson, Beach, Bush, Cady, Carpenter, J. L. Gage, Wm. Gage, Goodell, Hagaman, Howe, King, Lacey, Littlejohn, McLeod, Mottram, Murray, O'Keeffe, Provost, Rice, Snow, Videto—22.

Nays—Messrs. Anderson, Barnard, Hixon, Lamb, Lothrop, Lee,

Livermore, McCamly, Moore, Olds, Poppleton, Pratt, Rowland, Smith, Vickery, Weld, Speaker—17.

And the House adjourned until 10 o'clock to-morrow morning.

FRIDAY, March 3, 1843.

The House met pursuant to adjournment.

The Journal of yesterday was read and approved.

REPORTS.

Mr. Snow, from the committee on claims, made a report which was referred to the committee on ways and means.

Mr. Bush, from the committee on banks and incorporations, to whom was referred the "bill to incorporate the Oakland county Mutual Insurance-Company," reported the same back with an amendment, and the bill was referred to the committee of the whole.

Mr. Snow, from the committee on claims, made the following report :

The committee on claims have had the two following claims under consideration, and ask leave to report as follows :

In regard to the claim of H. B. Lothrop, adversely.

In regard to the claim of Wm. Maberry, adversely.

The claim of H. B. Lothrop is in the shape of a promissory note, which reads as follows :

Jackson, Nov. 10, 1838.

Due Williams forty-eight dollars.

Signed,

DAVID PORTER.

The claim of Wm. Maberry is also in the shape of a promissory note, and reads as follows :

Due Wm. Hatheway forty-four dollars, for value received.

Jackson, Sept. 6, 1838.

Signed,

DAVID PORTER.

There is no testimony before the committee which in the least degree goes to show that these notes were given for the benefit of the state, or that the state ever received any value therefor, and the committee are at a loss to know what the state has to do with the individual indebtedness of David Porter.

The committee ask to be discharged.

F. S. SNOW, *Chairman.*

And the committee were discharged.

The committee on the judiciary, to whom was referred the petition of sundry inhabitants of the county of Oakland, praying for a modification of the laws in reference to the prosecution of minor criminal offences, reported adverse to the prayer of the petitioners, and asked and obtained leave to be discharged from its further consideration.

RESOLUTION.

By Mr. Lothrop. Resolved, That a select committee of five members be appointed to examine and report to-morrow morning the most important bills now before the House, and that should be considered first.

And the Speaker announced Messrs. Lothrop, Smith, Bush and Moore, as such committee.

Mr. Hagaman asked for and obtained leave to withdraw the petition of Samuel Morgan.

UNFINISHED BUSINESS.

Mr. Lamb called up the motion of Mr. Littlejohn, on the Senate joint resolution, providing for the adjournment of the legislature on Monday the 6th inst., and his motion prevailing, the same was taken up for consideration.

A division being called for, the yeas and nays were taken on striking out the word "six," and the same was carried, as follows :

Yeas—Messrs. Andrews, Brown, Cady, Carpenter, J. L. Gage, Wm. Gage, Goodell, Godfroy, Hagaman, Howe, Johnson, King, Lacey, Lee, Littlejohn, Livermore, McCamly, McLeod, Mottram, Murray, Pratt, Purdy, Rix, Rowland, Seely, Smith, Snell, Vaughn, Speaker—24.

Nays—Messrs. Anderson, Axford, Barnard, Bush, Hixon, Lamb, Lothrop, Lawrence, Patterson, Poppleton, Provost, Rice, Schoolcraft, Snow, Vickery, Videto, Waldron, Weld—18.

Mr. Rice moved to fill the blank with the word eighth.

Mr. Littlejohn, to fill the same with Monday, the thirteenth.

Mr. Lamb moved that on whatever day the House adjourn it should be at 2 o'clock P. M., which motion prevailed by the following vote :

Yeas—Messrs. Anderson, Andrews, Barnard, Brown, Cady, Carpenter, J. L. Gage, Wm. Gage, Goodell, Godfroy, Hagaman, Hixon, Howe, Johnson, King, Lamb, Lothrop, Lawrence, Lee, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, Murray, Olds, Patterson, Pratt, Provost, Purdy, Rice, Rix, Rowland, Schoolcraft, Seely, Smith, Snell, Snow, Vaughn, Vickery, Videto, Waldron, Weld, Speaker—46.

Nays—Messrs. Axford, Lacey, Poppleton—3.

Mr. Lothrop demanded the previous question, which prevailed, and

The question being on Mr. Littlejohn's motion, it was lost as follows :

Yeas—Messrs. Andrews, Cady, J. L. Gage, Wm. Gage, Goodell, Godfroy, Johnson, Lacey, Lee, Littlejohn, Livermore, McCamly, Moore, Mottram, Seely, Vaughn, Weld—17.

Nays—Messrs. Anderson, Axford, Barnard, Brown, Bush, Carpenter, Hagaman, Hixon, Howe, King, Lamb, Lothrop, Lawrence, Murray, Olds, Patterson, Poppleton, Pratt, Provost, Purdy, Rice, Rix, Rowland, Schoolcraft, Smith, Snell, Snow, Vickery, Videto, Waldron, Speaker—31.

The question then recurred on Mr. Rice's motion, which prevailed :

Yeas—Messrs. Anderson, Andrews, Axford, Barnard, Beach, Brown, Bush, Cady, Carpenter, J. L. Gage, Wm. Gage, Godfroy, Hagaman, Hixon, Howe, King, Lamb, Lothrop, Lawrence, Lee, McLeod, Moore, Mottram, Murray, Olds, Poppleton, Pratt, Purdy, Rice, Rowland, Schoolcraft, Seely, Smith, Snell, Snow, Vaughn, Vickery, Videto, Waldron, Weld, Speaker—41.

Nays—Messrs. Johnson, Lacey, Littlejohn, Livermore, McCamly, Patterson, Provost, Rix—8.

The question was then taken on the passage of the resolution as amended, which prevailed as follows :

Yeas—Messrs. Anderson, Andrews, Barnard, Brown, Bush, Carpenter, J. L. Gage, Goodell, Godfroy, Hagaman, Hixon, Howe, King, Lamb, Lothrop, Lawrence, Lee, McLeod, Moore, Mottram, Murray, Olds, Poppleton, Pratt, Rice, Rowland, Schoolcraft, Seely, Smith, Snell, Vaughn, Videto, Waldron, Weld, Speaker—39.

Nays—Messrs. Cady, Wm. Gage, Johnson, Lacey, Littlejohn, Livermore, McCamly, Patterson, Provost, Rix—10.

Mr. Lamb then moved a reconsideration of the vote, which was lost.

Mr. Lamb called up for consideration the resolution passed at the session of 1842, amending the constitution, which motion prevailed, when

Mr. Littlejohn moved the indefinite postponement.

Mr. Lamb demanded the previous question, which being sustained,

Mr. Bush moved a call of the House, and there was a call and four absent.

Mr. Smith moved to suspend further proceedings, which was lost.

On motion of Mr. Seely, the sergeant-at-arms was directed to bring in absentees.

Members appearing and taking their seats, further proceedings were dispensed with.

The resolution was then adopted, by a two third vote :

Yeas—Messrs. Axford, Barnard, Brown, Bush, Cady, Carpenter, J. L. Gage, Wm. Gage, Goodell, Godfroy, Hagaman, Hixon, Johnson, King, Lacey, Lamb, Lee, Livermore, Moore, Murray, Olds, Patterson, Poppleton, Pratt, Provost, Purdy, Rice, Rix, Rowland, Seely, Smith, Snell, Snow, Vaughn, Vickery, Videto, Speaker—28.

Nays—Messrs. Anderson, Andrews, Goodwin, Howe, Lothrop, Lawrence, Littlejohn, McCamly, McLeod, Mottram, O'Keeffe, Schoolcraft, Waldron—13.

Mr. Lamb called for the consideration of his joint resolution relative to the removal of the capitol, and the question being on considering the same, the motion was lost.

The bill to amend part 1st, title 7, chapter 6 of the revised statutes, relative to the interest of money, coming up for a third reading,

On motion of Mr. Johnson, the same was so amended that the bill take effect from and after its passage, and the bill was then passed.

The "bill to provide for the payment of Morgan Bates, late of the firm of Dawson and Bates," being up for a third reading,

Mr. Littlejohn moved the reference of the same to the committee

on ways and means, with instructions to incorporate the amount in the general appropriation bill, which motion was lost.

The bill was then passed.

The Senate "bill to amend chapter 2d, title 8th, part 1st of the revised statutes, relative to medical societies," being up for consideration, Mr. Littlejohn moved to strike out "hold himself out," &c., and insert "pepper pod."

Mr. Rice called for a division of the question, and the question being on striking out, it was lost :

Yeas—Messrs. Anderson, Andrews, Axford, Brown, Cady, Carpenter, J. L. Gage, Wm. Gage, Goodell, Godfroy, Goodwin, Lawrence, Littlejohn, McLeod, O'Keeffe, Patterson, Pratt, Purdy, Rix, Schoolcraft, Seely, Snell, Videto—23.

Nays—Messrs. Barnard, Hixon, Howe, Johnson, King, Lacey, Lamb, Lothrop, Livermore, McCamly, Moore, Mottram, Murray, Olds, Poppleton, Provost, Rice, Rowland, Smith, Snow, Vaughn, Vickery, Waldron, Weld, Speaker—25.

The question was then taken on ordering the bill to a third reading, which prevailed :

Yeas—Messrs. Anderson, Axford, Barnard, Brown, Cady, Carpenter, J. L. Gage, Wm. Gage, Godfroy, Goodwin, Hixon, Howe, Johnson, King, Lamb, Lothrop, Littlejohn, Livermore, McCamly, McLeod, Moore, Murray, Olds, Patterson, Poppleton, Pratt, Provost, Purdy, Rice, Rowland, Schoolcraft, Seely, Smith, Snell, Vaughn, Vickery, Waldron, Weld, Speaker—39.

Nays—Messrs. Andrews, Bush, Goodell, Lacey, Lawrence, Mottram, O'Keeffe, Rix, Snow, Videto—10.

And the bill was read a third time and passed by the following vote :

Yeas—Messrs. Anderson, Barnard, Cady, Carpenter, J. L. Gage, Wm. Gage, Godfroy, Goodwin, Hixon, Johnson, King, Lamb, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Moore

Murray, Olds, Patterson, Poppleton, Pratt, Pardy, Rice, Rowland, Schoolcraft, Smith, Snell, Vaughn, Vickery, Waldron, Weld, Speaker—36.

Nays—Messrs. Andrews, Axford, Bush, Goodell, Howe, Lacey, Mottram, O'Keeffe, Rix, Seely, Snow, Videto—12.

The consideration of the joint resolution from the Senate "authorizing the appointment of a joint committee," was

On motion of Mr. Bush, indefinitely postponed :

Yeas—Messrs. Anderson, Andrews, Axford, Barnard, Brown, Bush, Cady, Carpenter, J. L. Gage, Wm. Gage, Goodell, Godfroy, Goodwin, Howe, King, Lacey, Lothrop, Lawrence, Lee, Littlejohn, McCamly, McLeod, Moore, Mottram, Olds, Patterson, Pratt, Purdy, Rice, Rix, Schoolcraft, Seely, Smith, Snell, Snow, Vaughn, Vickery, Weld—39.

Nays—Messrs. Hixon, Johnson, Lamb, Livermore, Murray, O'Keeffe, Poppleton, Provost, Videto, Speaker—10.

The Senate report on the amendments to the "bill providing for the establishment of a land office," &c., being under consideration, the House recessed from their amendments and the bill passed.

The House then took up the "bill relative to crimes and the punishment thereof," when

Mr. Littlejohn moved to strike out the 2d section, and Mr. McLeod calling for the yeas and nays, they stood as follows :

Yeas—Messrs. Anderson, Andrews, Barnard, J. L. Gage, Godfroy, Goodwin, Hixon, Lamb, Littlejohn, Livermore, McCamly, Olds, Patterson, Purdy, Rice, Rowland, Snell, Vaughn, Vickery, Videto, Speaker—21.

Nays—Messrs. Axford, Brown, Bush, Cady, Carpenter, William Gage, Goodell, Hagaman, Howe, Johnson, King, Lacey, Lothrop, Lee, McLeod, Moore, Mottram, Murray, O'Keeffe, Poppleton, Pratt, Provost, Rix, Schoolcraft, Seely, Weld—26.

Mr. Rowland then moved the indefinite postponement of the bill, which was lost :

Yeas—Messrs. Anderson, Brown, Godiroy, Goodwin, Hixon, Lamb, Littlejohn, McCamly, Patterson, Purdy, Rice, Rowland, Snell, Vickery, Weld, Speaker—16.

Nays—Messrs. Andrews, Axford, Barnard, Bush, Cady, Carpenter, J. L. Gage, William Gage, Goodell, Howe, Johnson, King, Lacey, Lothrop, Lee, Livermore, McLeod, Moore, Mottram, Murray, O'Keeffe, Olds, Poppleton, Pratt, Provost, Rix, Schoolcraft, Seely, Vaughn, Videto—30.

On ordering the bill to a third reading the vote stood thus :

Yeas—Messrs. Axford, Brown, Bush, Cady, Carpenter, William Gage, Goodell, Howe, Johnson, Lacey, Lothrop, Lawrence, Lee, Livermore, McLeod, Moore, Mottram, Murray, O'Keeffe, Pratt, Provost, Rix, Schoolcraft, Seely, Wadron—25.

Nays—Messrs. Anderson, Andrews, Barnard, J. L. Gage, Godfroy, Goodwin, Hagaman, Hixon, King, Lamb, Littlejohn, McCamly, Olds, Patterson, Poppleton, Rice, Rowland, Smith, Snell, Vaughn, Vickery, Videto, Weld, Speaker—24.

Mr. Littlejohn moved to commit to the committee on ways and means, with instructions to strike out the second section.

Mr. Goodwin moved to amend by inserting committee on the judiciary in place of ways and means.

Mr. Smith moved a call of the House, and the yeas and nays being called thereon,

On motion of Mr. Lamb, the House adjourned until half past two o'clock.

AFTERNOON SESSION.

Half-past 3 o'clock P. M.

Quorum present.

The Speaker announcing the question,

There was a call of the House, when there were ten absent.

Members appearing and taking their seats,

The question on the motion of Mr. Goodwin referring the bill to the judiciary with instructions, the same prevailed :

Yeas—Messrs. Anderson, Andrews, J. L. Gage, Goodell, Godfroy, Hagaman, Hixon, King, Lawrence, Littlejohn, McCamly, Moore, Patterson, Purdy, Rice, Rowland, Smith, Snell, Snow, Vaughn, Vickery, Videto, Weld, Speaker—24.

Nays—Messrs. Axford, Barnard, Beach, Brown, Bush, Cady, William Gage, Howe, Johnson, Lacey, Lothrop, Lee, Livermore, Mottram, Murray, Olds, Pratt, Provost, Rix, Schoolcraft, Seely, Waldron—22.

The “bill to amend an act entitled an act to incorporate the stockholders of the Michigan insurance company of Detroit,” approved March 7th, 1834, being called up,

The question on taking it up for consideration being taken by yeas and nays, it was lost :

Yeas—Messrs. Axford, Brown, Cady, Godfroy, Hixon, Johnson, Littlejohn, McCamly, McLeod, Provost, Purdy, Rowland, Schoolcraft, Seely, Smith, Snow, Vaughn, Waldron, Speaker—19.

Nays—Messrs. Anderson, Andrews, Barnard, Beach, Bush, J. L. Gage, Goodell, Hagaman, Howe, King, Lacey, Lothrop, Lawrence, Lee, Livermore, Moore, Mottram, Murray, Olds, Patterson, Poppleton, Pratt, Rice, Rix, Snell, Vickery, Videto, Weld—28.

The "bill to amend an act to reduce the price of university and school lands and for other purposes," being called up was on motion laid on the table.

Mr. Livermore moved the discharge of the committee of the whole from the bill incorporating the village of Jackson, that it might be taken up in the House, which motion was lost.

Mr. Lothrop, from the committee on engrossment and enrollment, here obtained leave to report the "bill to authorise the erection of dams across the Grand River in Ingham county," as correctly engrossed.

Mr. Pratt, from the committee on engrossment and enrollment, reported as correctly enrolled the following bills, viz :

"An act to regulate tax sales for the year eighteen hundred and forty-three and for other purposes," and that the same was this day presented to the Governor for his signature

"An act to repeal section forty-three and forty-six, of chapter first, title seventh, part first, of the revised statutes."

GENERAL ORDER.

On motion of Mr. Lothrop, the House again resolved itself into committee of the whole on the "bill in relation to common or primary schools," Mr. Lothrop in the chair.

After going through the Senate bill, the committee rose and reported the same back with the amendment to strike out all after the enacting clause and insert the House bill, in which the House concurred.

The bill being now under consideration in the House,

Mr. Hagaman moved the following proviso to the 4th section :

"Provided that the expenses arising from and by the second provision of this section, shall be paid by a tax on the taxable property of said district to be assessed, collected and paid over in the same

manner as other taxes are on taxable property, as contemplated in this act;"

Which motion was lost by yeas and nays :

Yeas—Messrs. Carpenter, Goodell, Goodwin, Hagaman, Hixon, Lamb, McLeod, Murray, Patterson, Pratt, Rowland, Smith, Weld, Speaker—14.

Nays—Messrs. Anderson, Andrews, Axford, Barnard, Bush, Cady, J. L. Gage, William Gage, Godfroy, King, Lacey, Lawrence, Lee, Littlejohn, McCamly, Moore, Mottram, Olds, Poppleton, Provost, Rice, Rix, Schoolcraft, Seely, Snell, Vaughn, Vickery, Waldron—28.

Mr. Carpenter sent up the following amendment :

"Whenever any school district shall from any cause be dissolved, every legal voter of said district shall be individually liable for all debts owing by said district."

And the question being taken thereon, the motion did not prevail.

Mr. Weld moved to strike out from section 29 the words "and liable to pay," which did not prevail.

On motion of Mr. McLeod, the bill was then ordered to a third reading, and

On his motion the rules were suspended, the bill read a third time and passed by the following vote :

Yeas—Messrs. Anderson, Andrews, Barnard, Brown, Bush, Cady, Carpenter, J. L. Gage, William Gage, Goodell, Godfroy, Hagaman, Hixon, King, Lamb, Lothrop, Lawrence, Livermore, McCamly, Moore, Mottram, Murray, Olds, Patterson, Pratt, Provost, Rice, Rix, Rowland, Seely, Smith, Vaughn, Waldron, Speaker—34.

Nays—Messrs. Axford, Goodwin, Lacey, Lee, Littlejohn, McLeod, Poppleton, Schoolcraft, Snell, Vickery, Weld—11.

MESSAGES FROM THE SENATE.

The speaker announced the following messages from the Senate :

SENATE CHAMBER, }
March 3, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit a “bill relative to the claim of John Van Fossen,” which the Senate have passed and respectfully ask the concurrence of the House therein.

JAS. E. PLATT.

Sec’y of Senate.

And the bill was referred to the committee on ways and means.

SENATE CHAMBER, }
March 3, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return the “bill to amend an act approved April 15th, 1839,” and to respectfully inform the House that the Senate have concurred therein.

Also, to transmit a “joint resolution in relation to leasing the La Plaisance Bay rail road.”

Also, a “joint resolution in relation to the running of the cars of the Detroit and Pontiac rail road company on the first day of the week,” which the Senate have adopted and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,

Sec’y of Senate.

The first named bill was ordered to be enrolled.

The second and third were referred to the committee on internal improvement.

SENATE CHAMBER, }
March 3, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return the “bill for the relief of Benjamin Irish,” and to inform the House that the Senate have passed the same with an amendment, in which they respectfully ask the concurrence of the House.

Also, to transmit a “bill to provide for the equitable settlement of the estates of deceased persons,” which the Senate have passed and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,
Sec’y of Senate.

And the amendment to said first named bill was concurred in and the bill ordered to be enrolled.

The second was referred to the committee on the judiciary.

UNFINISHED BUSINESS.

The “bill for the organization of certain townships and for other purposes,” was then taken up, and after sundry amendments made thereto, was ordered to be engrossed for a third reading.

The "bill to erect a toll gate and for keeping in repair the Detroit and Saginaw road, and for other purposes," was discharged from the further consideration of the committee of the whole, and taken up in the House, and after several amendments being made thereto,

Mr. Goodwin offered the following which did not prevail :

"The tolls received over and above the expense of collecting them shall be paid over to the president, directors and company of the Detroit and Pontiac turnpike company, the charter of which was repealed in 1842, until they shall have received the amount that they expended in constructing said road."

The bill was then ordered to be engrossed for a third reading, when

Mr. Lacey moved to suspend the rules.

Mr. Lamb to lay the motion on the table, which prevailed.

REPORTS.

Mr. Goodwin from the committee on ways and means, to whom was referred the Senate "bill to liquidate the public debt and to provide for the payment of the interest thereon and for other purposes," made a report in detail thereon, which together with the bill was referred to the committee of the whole and the report ordered to be printed, and,

On motion of Mr. Littlejohn, 500 extra copies of the report were ordered, when

The House adjourned until 7 o'clock.

EVENING SESSION.

Seven o'clock P. M.

A quorum present.

On motion of Mr. Lothrop, the House resolved itself into committee of the whole on the Senate "bill to incorporate the village of Jackson," Mr. Vaughn in the chair.

After going through the same the committee rose and reported the same back with amendments in which the House concurred, and

On motion of Mr. Goodwin, the rules were suspended and the bill passed by the following vote :

Yeas—Messrs. Andrews, Cady, J. L. Gage, Wm. Gage, Goodell, Godfroy, Hagaman, Hixon, King, Lothrop, Lawrence, Lee, Littlejohn, Livermore, McLeod, Moore, Murray, Olds, Patterson, Poppleton, Pratt, Rice, Rix, Rowland, Schoolcraft, Seely, Smith, Snell, Snow, Vaughn, Vickery, Videto, Weld, Speaker—33.

Nays—Messrs. Axford, Barnard, Bush, Carpenter, Goodwin, Lacey—6.

GENERAL ORDER.

The House now resolved itself into committee of the whole on the general order, Mr. Rowland in the chair;

And after going through the following numbered and entitled bills, rose and reported the same back to the House.

1. A bill to amend an act entitled an act to repeal a part of chapter 8, title 5th, part 1st of the revised statutes and for other purposes," approved Feb. 17, 1842, without amendment.

2. Senate "bill authorising mortgagees and judgment creditors to

redeem real estate sold for taxes and assessments," with recommendation to strike out all after the enacting clause.

3. Senate "bill to amend an act entitled an act to amend an act to incorporate the village of Ypsilanti," without amendment.

4. Senate "bill to authorise Wm. L. Whipple and others to release their interest in certain real estate," without amendment.

5. Senate "bill to revive the acts incorporating the village of Kalamazoo," without amendment.

6. A "bill to lay out and establish a certain state road," with recommendation to lay aside for the present.

7. A "bill to authorise the board of supervisors of the county of Lapeer to levy certain taxes," with same recommendation.

8. A "bill to amend part 1, title 9, chapter 2, of the revised statutes," without amendment.

9. A "bill to provide for making and publishing a general index of existing statute and session laws," with the recommendation to strike out all after the enacting clause.

10. A "bill to incorporate the Clayton Literary company," with an amendment.

11. A "bill to authorise the agent of the penitentiary to dispose of dead bodies of convicts," with recommendation to strike out all after the enacting clause.

And the House having said bills under consideration, on motion of Mr. Lothrop the rules were suspended for the evening, and the following action had:

No. 1. This bill was considered and passed.

2. All after the enacting clause was stricken out and that indefinitely postponed.

3. This bill was passed.

4. This bill was considered and laid on the table.

5. Considered and passed.

6. Report of committee of the whole concurred in and bill laid aside for the present.

7. The same.

8. Considered and laid on the table.

9. Report of the committee concurred in—all after enacting clause stricken out, and that indefinitely postponed.

10. The amendment of the committee of the whole concurred in, and the bill read a third time and on its passage, when the House adjourned.

11. Not reached.

And the House adjourned until to-morrow morning 10 o'clock.

SATURDAY, March 4, 1848.

The House met pursuant to adjournment.

The members were all present except Mr. Younglove, on leave.

The journal of yesterday was read and corrected.

PETITIONS.

By Mr. Lamb. Of Luke H. Parsons and others, of the county of Shiawassee, in favor of the construction of a wagon road of the Northern railroad. Laid on the table.

By Mr. Lacey. Of sundry citizens of Berrien county, asking that the Farmers' and Mechanics' Bank of Michigan may not be authorized to remove their branch to Niles, but continue the same at St. Joseph, and establish an agency at Niles. Referred to the committee on banks and incorporations.

By Mr. Pratt. Claim of Bagg & Harmon. Referred to the committee of ways and means.

REPORTS.

Mr. Snow, from the committee on claims, submitted the following reports :

The committee on claims, to whom was referred the claim of the Phoenix Bank, New-York, for money advanced the state, on account of the five million loan, beg leave to report :

That the claim appears to be for a large amount, and one too, which requires a considerable investigation before it is either allowed or rejected ; and as it was so late in the session referred to your committee, they have not had time to give the matter as much investigation as the nature of the claim seems to require ; they therefore have instructed me, as their chairman, to report the same back to the House without hazarding any opinion in regard to it.

The committee ask to be discharged from the further consideration of the subject, and move that the claimant have leave to withdraw his papers.

F. S. SNOW, *Chairman*.

And the committee were discharged and the claimant had leave.

The committee on claims, to whom was referred the claim of John Prentis, for labor performed on the Northern railroad, beg leave to report :

That they have had the same under consideration, and the committee are of opinion that the claim is just to some extent, but to what extent, the committee are unable to determine from the testimony, consequently they do not recommend that the claim be allowed. The committee have instructed me, as their chairman, to report the claim back, and recommend that there be no further action in regard to it, the present session.

The committee ask leave to be discharged, and move that the claimant have leave to withdraw his papers.

F. S. SNOW, *Chairman*.

And the committee were discharged and the claimant had leave.

Mr. Lothrop, from the committee on internal improvement, to whom was referred the Senate "joint resolution relative to the running of the cars of the Detroit and Pontiac railroad company on the first day of the week," reported the same back recommending its passage; and the bill was referred to the committee of the whole.

Mr. Goodwin, from the committee on ways and means, to whom was referred the Senate "bill relative to the claim of John Van Fossen," reported the same back with an amendment, which was referred to the committee of the whole.

Mr. Littlejohn, from the committee on the judiciary, to whom was referred the "bill relative to crimes and the punishment thereof," with an amendment, and the same was referred to the committee of the whole.

RESOLUTIONS.

On motion of Mr. Lothrop,

Resolved, That the clerk of this House be and he is hereby authorized to employ an assistant until the close of the session, provided that such assistant shall not receive more than three dollars per day.

Mr. Lothrop called up his "joint resolution relative to payment of the board of appraisers," and the same was adopted.

Mr. Hagaman laid the following joint resolution upon the table:

Resolved, by the Senate and House of Representatives, That all lands granted by congress to this state, and sold by virtue of the act providing for the establishment of a land office and sales of public lands, shall be exempt from taxation for three years from the time said lands are offered for sale.

UNFINISHED BUSINESS.

The bill to incorporate the Clayton Literary Society, being up for a final reading, the same was indefinitely postponed.

The bill to authorize the erection of certain dams, was then taken up and passed.

Mr. Cady called up the "bill to amend an act entitled an act to incorporate the stockholders of the Michigan Insurance Company of Detroit," approved March 7th, 1834.

Mr. Hagaman moved to strike out "one" in the 6th line of the 2d section, and insert "five" which motion did not prevail.

Mr. Carpenter moved to strike out "one" and insert "ten," which was also lost.

The question being on ordering the bill read a third time, it was carried, as follows :

Yeas—Messrs. Anderson, Andrews, Beach, Brown, Cady, J. L. Gage, Wm. Gage, Goodell, Godfrey, Goodwin, Howe, King, Laint, Lawrence, Lee, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, Poppleton, Pratt, Provost, Purdy, Rix, Rowland, Schoolcraft, Seely, Smith, Snow, Vaughn, Vickery, Videto, Waldron, Weld, Speaker—37.

Nays—Messrs. Barnard, Carpenter, Hagaman, Hixon, Johnson, Lacey, Lothrop, Olds, Patterson, Rice, Snell—11.

The question then being on its passage,

Mr. Lothrop moved a call of the House, which motion did not prevail.

Mr. McLeod then demanded the previous question, which was sustained.

The bill was passed by the following vote :

Yeas—Messrs. Anderson, Andrews, Beach, Brown, Cady, J. L. Gage, Wm. Gage, Goodell, Godfroy, Goodwin, Howe, Johnson, King, Lamb, Lawrence, Lee, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, O’Keeffe, Poppleton, Pratt, Provost, Purdy, Rix, Rowland, Schoolcraft, Seely, Smith, Snow, Vaughn, Vickery, Videto, Waldron, Weld—33.

Nays—Messrs. Barnard, Bush, Carpenter, Hagaman, Hixon, Lacey, Lothrop, Murray, Olds, Patterson, Rice, Snell, Speaker—13.

The “bill to authorize the agent of the penitentiary to dispose of the dead bodies of convicts,” having passed the committee of the whole,

The question being on concurring with the committee of the whole in striking out all after the enacting clause ;

Mr. Lacey demanded the previous question, which was sustained.

The House concurred with the committee as follows :

Yeas—Messrs. Carpenter, J. L. Gage, Wm. Gage, Goodell, Godfroy, Hagaman, Hixon, Lamb, Lee, McLeod, Moore, Murray, O’Keeffe, Olds, Poppleton, Pratt, Rix, Rowland, Schoolcraft, Seely, Smith, Snell, Snow, Vaughn, Vickery, Weld—27.

Nays—Messrs. Anderson, Andrews, Barnard, Beach, Brown, Bush, Cady, Goodwin, Johnson, King, Lacey, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, Mottram, Provost, Purdy, Rice, Videto, Waldron, Speaker—23.

M. Littlejohn moved to re-commit the enacting clause to the committee on ways and means, with instructions so to modify the bill that the dead bodies of convicts sentenced for seven years or over, should only be delivered to said medical society, which motion did not prevail.

On motion of Mr. Patterson, the enacting clause was indefinitely postponed.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, }
March 4, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return a “bill relative to the claim of Zephaniah Platt,” and to inform the House that the Senate have concurred therein.

Also, to return a “bill to amend part 1st, title 7, chapter 6 of the revised statutes, relative to the interest of money,” and to inform the House that the Senate have passed the same with an amendment, in which they respectfully ask the concurrence of the House.

JAS. E. PLATT,
Sec’y of Senate.

The first mentioned bill was ordered enrolled.

And the House concurred in the Senate amendment to the “bill to amend part 1, title 7, chapter 6 of the revised statutes, relative to the interest of money.”

Mr. Lacey, moved the reconsideration of the vote by which the “bill to amend an act entitled an act to repeal a part of chapter 8, title 5, part 1 of the revised statutes, and for other purposes,” approved Feb. 17th, 1842, was passed, which motion prevailed.

The question being on its passage,

On motion of Mr. Littlejohn, the bill was recommitted to the committee on ways and means.

The "bill to erect a toll gate, and for the keeping in repairs, the Detroit and Saginaw road, and for other purposes," having passed the committee of the whole,

On motion of Mr. Pratt, the bill was re-committed to a special committee of three, with the following instructions :

First, amend the 3d line of section 2nd, by striking out *the 31st day of December*, and insert the 30th day of April, also strike out *December* in the fourth line and insert April, also strike out, *the sum of dollars* in the 14th line and insert such sum as he may deem just and reasonable, not exceeding one dollar per day.

Second, substitute the following as section 3d :

The superintendent is hereby authorized to make contracts by the year with any person or persons residing near said toll gate for the payment of such amount of toll as he may deem just and reasonable.

Third, amend the title by striking out *erect* in the first line and insert authorize the erection of.

The chair announced Messrs. Pratt, Rowland and Rice, as such committee.

The "bill to amend part first, title nine, chapter second of the revised statutes," was taken up and

On motion of Mr. Lacey, the following amendment was adopted as section 3 :

"Sec. 13 of chapter 1, part 1, title 9, of the revised statutes," is hereby amended, by striking out the word "hereinbefore," in the third line of the said section, and inserting the word hereinafter in lieu thereof.

On motion of Mr. Lacey, the rules were suspended and the bill read a third time and passed.

MOTION.

On motion of Mr. Lothrop, the judiciary bills were made the special order for Monday next.

On motion of Mr. Hagaman, the "bill to amend an act to reduce the price of university and school lands, and for other purposes," was taken up.

Mr. Pratt sent a substitute for the whole bill.

Mr. Hagaman sent up an amendment to come in as section 3.

Mr. Carpenter offered an amendment, which prevailed.

The amendment of Mr. Hagaman was adopted, and the substitute as amended was also adopted.

Mr. Rowland moved to lay the bill on the table, which motion did not prevail.

The question on ordering the bill to be engrossed, prevailed as follows :

Yeas—Messrs. Anderson, Beach, Brown, Cady, Goodyin, Hagaman, Johnson, Lacey, Lamb, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, Olds, Poppleton, Pratt, Provost, Rix, Schoolcraft, Seely, Snell, Vickery, Videto, Weld—28.

Nays—Messrs. Andrews, Barnard, Bush, Carpenter, J. L. Gage, William Gage, Goodell, Hixon, King, Murray, Purdy, Rice, Rowland, Snow, Waldron, Speaker—16.

GENERAL ORDER.

On motion of Mr. McLeod, the House then went into committee of the whole on the general order, Mr. Hagaman in the chair.

They had the following bills under consideration :

1. A "bill to amend an act entitled act to amend an act entitled an act to incorporate the village of Adrian."

2. A "bill to amend an act entitled an act appointing commissioners to lay out a certain road in the county of Wayne, approved March 17th 1837."

3. A "bill to amend an act entitled an act to amend an act entitled an act to incorporate the village of Marshall and for other purposes," approved Feb. 12th 1842.

4. A "bill to repeal an act entitled an act to organize a certain township in the county of Genesee, and certain acts amendatory thereto."

5. A "bill to prevent the action of ejectment in certain cases."

The committee rose and reported the 1st, 2d, 4th and 5th mentioned bills without amendments, and the 3d bill with amendment, in which they asked the concurrence of the House.

The 1st mentioned bill was read a third time, and passed by the following vote :

Yeas—Messrs. Andrews, Beach, Cady, J. L. Gage, Goodell, Godfrey, Goodwin, Hagaman, King, Lawrence, Littlejohn, McLeod, Moore, O'Keefe, Olds, Patterson, Poppleton, Pratt, Provost, Rix, Seely, Snell, Snow, Videto, Waldron, Weld, Speaker—27.

Nays—Messrs. Bush, Johnson, Lacey, Lamb, Murray—5.

2d. The rules were suspended and the bill passed.

3d. On motion of Mr. Waldron, the House concurred in the amendments of the committee in gross.

The bill was read a third time and passed as follows :

Yeas—Messrs. Anderson, Andrews, Beach, Cady, J. L. Gage, William Gage, Goodell, Godfrey, Goodwin, Hagaman, Hixon, King, Lawrence, Littlejohn, McCamly, McLeod, Moore, O'Keefe, Olds, Patterson, Poppleton, Rix, Seely, Snell, Snow, Videto, Waldron, Weld, Speaker—29.

Nays—Messrs. Johnson, Lacey, Murray—3.

Mr. Hixon moved that the House adjourn, which motion was lost on division.

On motion of Mr. Goodwin, the House adjourned until half past two o'clock this afternoon.

AFTERNOON SESSION.

Half-past 2 o'clock, P. M.

A quorum present.

The 4th bill being under consideration,

Mr. J. L. Gage offered the following amendment, which was carried :

“This act shall take effect and be in force from and after the first day of April next.”

On motion of Mr. J. L. Gage, the rule was suspended and the bill passed.

No. 5 was then taken up, read a third time and passed.

Mr. Bush from the committee on banks and incorporations to whom was referred the Senate bill to amend “an act to establish branches of the Farmers’ and Mechanics’ Bank of Michigan, bank of Michigan and bank of River Raisin,” approved March 7, 1834, reported the same back with an amendment, and the same was referred to the committee of the whole.

MESSAGE FROM THE SENATE.

The following message was announced from the Senate:

SENATE CHAMBER. }
March 4, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return the “joint resolution relative to payment of board of appraisers,” and to inform the House

that the Senate have adopted the same with an amendment in which they respectfully ask the concurrence of the House.

Also, to transmit a "bill to authorize Randall S. Rice, as administrator on the estate of N. O. Sergeant deceased, to execute certain instruments in writing."

Also, "a bill providing for the final adjustment of all unsettled claims for damages growing out of the internal improvements of this state," which the Senate have passed and respectfully ask the concurrence of the House therein.

Also, to inform the House that the Senate have concurred in the House amendments to the "bill to incorporate the village of Jackson," and to the "bill to amend an act entitled an act to incorporate the stockholders of the Michigan insurance company of Detroit," approved March 7, 1834, and have ordered the bills as amended to be enrolled.

JAS. E. PLATT,

Sec'y of Senate.

And the House concurred in the amendment to the resolution and ordered the same to be enrolled.

The first named bill was referred to the committee on the judiciary.

And the second to the committee on internal improvement.

GENERAL ORDER.

The House then went into committee of the whole, Mr. Snow in the chair, and having had the following bills under consideration, the committee rose and reported the same back in the following order :

1. Senate bill for laying out and establishing a state road, with an amendment.

2. A bill to alter the corporate limits of the village of Niles, without amendment.

3. An act concerning the Mayor's court of the city of Detroit, without amendment.

4. Senate "joint resolution, authorizing the delivery of certain public documents to the superintendent of public instruction," with an amendment.

5. A "bill to amend an act entitled an act to amend an act entitled an act to incorporate the village of Pontiac," without amendment.

6. A "bill to change the terms of the court of chancery for the first circuit," without amendment.

7. Senate "bill to authorize the judge of probate of the county of St. Clair to grant a license to sell certain real estate," recommending the striking out all after the enacting clause.

8. Senate "bill in relation to the payment of interest in certain state bonds," without amendment.

9. Senate "joint resolution concerning the construction of a lateral branch of the central rail road," with an amendment.

10. Senate "bill to amend the charter of the city of Detroit," without amendment.

11. Senate "bill for the relief of school district No. 1, of the township of Owasso, in the county of Shiawassee and State of Michigan," with the recommendation to strike out all after the enacting clause.

12. A "bill to amend an act entitled an act to exempt certain property from execution or sale, for any debt, damage, fine or amercement," approved Feb. 16, 1842, with the recommendation to strike out all after the enacting clause.

13. Senate "bill to liquidate the public debt and to provide for the payment of the interest thereon and for other purposes," on which the committee reported progress.

On No. 1. The House concurred in the amendments made by the committee of the whole, and

On motion of Mr. Goodwin, the bill was recommitted to the committee on roads and bridges.

2. This bill being under consideration,

On motion of Mr. Lacey, the rules were suspended ;

And the question being on its passage, it prevailed as follows :

Yeas—Messrs. Andrews, Axford, Barnard, Beach, Cady, Carpenter, J. L. Gage, Wm. Gage, Godfroy, Goodwin, Haganan, Hixon, King, Lacey, Lothrop, Lee, Littlejohn, McCamly, Mottram, Murray, Olds, Patterson, Purdy, Rice, Rix, Snow, Vaughn, Waldron, Speaker—29.

Nays—Messrs. Bush, Lamb, Lawrence, Livermore, McLeod, Pratt, Provost, Smith, Videto—9.

3. Mr. Lothrop moved to strike out the second section of this bill, which motion prevailed.

On motion of Mr. Lamb, the several other bills were laid on the table.

MESSAGES FROM THE SENATE.

SENATE CHAMBER, }
March 4, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit a "bill to amend an act entitled an act to incorporate the city of Monroe," which the Senate have passed, and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,
Sec'y of Senate.

On motion of the Speaker, the rules were suspended, and this bill was read a third time and passed by the following vote :

Yeas—Messrs. Andrews, Axford, Barnard, Beach, Cady, Carpenter, J. L. Gage, Wm Gage, Godfroy, Goodwin, Hagaman, Hixon, King, Lacey, Lamb, Lothrop, Lawrence, Lee, Littlejohn, Livermore, McCamly, McLeod, Mottram, Murray, Olds, Patterson, Pratt, Provost, Purdy, Rice, Rix, Schoolcraft, Snell, Snow, Vaughn, Vickery, Videto, Waldron, Speaker—39.

Nays—Messrs. Bush, Smith—2.

The “bill to amend the Charter of the city of Detroit,” being No. 10 from the committee of the whole, was taken up, and the rules being suspended, the bill was read a third time and passed :

Yeas—Messrs. Andrews, Axford, Beach, J. L. Gage, Wm. Gage, Goodwin, Hagaman, King, Lacey, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Olds, Patterson, Pratt, Provost, Purdy, Rix, Smith, Snell, Snow, Vaughn, Videto, Speaker—27.

Nays—Messrs. Carpenter, Godfroy, Hixon, Lamb, Lee, Murray, O’Keeffe, Rice, Schoolcraft, Waldron—10.

On motion of Mr. Lamb, the House adjourned until 10 o’clock Monday morning.

MONDAY, March 6, 1843.

The House met pursuant to adjournment.

The journals of Saturday were read and corrected.

CLAIMS.

By Mr. Vaughn. Claim of Bagg and Harmon. Referred to the committee on ways and means.

By the same. Chain of G. F. Root, & Co. Same reference.

REPORTS.

Mr. Lacey, from the committee on ways and means to whom was referred the bill entitled "an act to repeal a part of chapter eight, title fifth, part first of the revised statutes and for other purposes," approved Feb. 17, 1842, reported the same back with a substitute, which was referred to the committee of the whole.

Mr. Littlejohn, from the committee on the judiciary, to whom was referred the bill to change the name of Peter J. Lee, reported a bill to change the name of said Lee, which was referred to the committee of the whole.

Mr. Littlejohn, from the committee on the judiciary to whom was referred the joint resolutions proposing an amendment to the constitution, relative to the qualification of voters, having considered the same and being unable to agree upon the principles and policy thereof, reported the same back to the House and asked to be discharged from their further consideration.

And the resolutions were referred to the committee of the whole and the committee discharged.

Mr. Littlejohn, from the committee on the judiciary to whom was referred the Senate bill, "to authorise Randall S. Rice, as administrator on the estate of N. O. Sargeant deceased, to execute certain instruments in writing," reported the same back to the House with an amendment thereto.

And the same was referred to the committee of the whole.

Mr. Littlejohn, from the committee on the judiciary to whom was referred the Senate bill "to provide for the equitable settlement of the estates of deceased persons," having examined said bill, reported the same back recommending its passage.

. And the bill was referred to the committee of the whole.

Mr. Pratt, from the select committee to whom was referred a "bill to erect a toll-gate and for keeping in repair the Detroit and Saginaw road and for other purposes," with certain instructions, respectfully reported the same back with the amendment, and asked to be discharged from the further consideration of the subject.

And the bill was referred and the committee discharged.

Mr. Moore, from the committee on roads and bridges, to whom was referred the Senate bill to provide for laying out and establishing a state road, reported the same back and the bill was referred to the committee of the whole.

Mr. Moore, from the same committee, to whom was referred the Senate "bill to amend chapter 3, title 6, part 1st of the revised statutes relating to 'overseer and highway labor,'" reported the same back and it was referred to the committee of the whole.

Mr. McLeod, pursuant to notice, obtained leave to introduce the following entitled bills:

A bill to divide the upper peninsula of Michigan into six counties. Referred to the committee on towns and counties.

A bill to amend an act entitled an act relative to the costs of prosecution in criminal cases. Referred to the committee on the judiciary.

A bill to define the powers of the supreme court in relation to mandamus. Referred to the committee on the judiciary.

A bill to amend an act for incorporating the borough of Michilimackinac. Referred to the committee on banks and incorporations.

Mr. Lothrop submitted the following report :

The committee of enrollment and engrossment have examined the following bills and joint resolutions and found them correctly enrolled and have presented them to the Governor for his approval, viz:

"An act relative to the claim of Zephaniah Platt."

"An act to amend part 1st, title 7th, chapter 6, of the revised statutes relative to the interest of money."

"An act to amend section 52 of an act entitled an act to provide for the voluntary dissolution of corporations, and to prescribe the duties of receivers in chancery in certain cases and for other purposes, approved April 15, 1841."

"Joint resolution relative to payment of appraisers."

Also, report back to the House as correctly engrossed a bill to amend an act to reduce the price of university and school lands and for other purposes, approved March 6, 1843.

E. H. LOTHROP.

The committee of internal improvement to whom was referred the Senate bill, providing for the final adjustment of all unsettled claims for damages growing out of the internal improvements of this state, have had the same under consideration and would report the same back to the House without amendment and recommend its passage.

E. H. LOTHROP. *Ch'n.*

And said bill was referred to the committee of the whole.

The Speaker announced the following messages from the Senate :

SENATE CHAMBER, }
March 4, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return the "bill to provide for the assessment and collection of taxes," and to inform the House that the Senate have passed the same with sundry amendments in which they respectfully ask the concurrence of the House.

JAS. E. PLATT,

Sec'y of Senate.

And the House having the same under consideration, concurred in the several amendments except in the following instances, in which the House amended section 22, line 5, by striking out "original" and inserting after the word "assessment" the word "tax."

Sec. 57—Amendment of Senate, non-concurred in.

Sec. 58—Amendment of Senate, non-concurred in.

Sec. 25—Senate amendment amended by striking out "purposes" and inserting "tax" after "township."

Sec. 2—Senate amendment inserting "stock and," non-concurred in.

SENATE CHAMBER, }
March 6, 1843. }

To the Speaker of the House of Representatives :

Sir—I am instructed by the Senate to return the "bill relative to common or primary schools," together with the House substitute therefor, and to respectfully inform the House that the Senate have non-concurred therein.

JAS. E. PLATT.

Sec'y of Senate.

And the House insisted upon their substitute, and appointed Messrs. Rice, Snow and Lothrop, a committee of conference.

RESOLUTION.

Mr. Littlejohn offered the following joint resolution :

Joint resolution relative to an amendment of an act to regulate the tax sales for the year 1843.

Resolved by the Senate and House of Representatives, That the committee of the House on engrossment and enrollment, be and they are hereby required to amend the third section of the act to regulate

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the tax sales for the year 1843, by inserting after the word "taxes," in the fourth line, the following words: "For the year eighteen hundred and thirty-nine, and the years aforesaid."

On motion of Mr. Goodwin, the rules were suspended, and the resolution adopted.

MESSAGE FROM THE SENATE.

The Speaker announced the following message from the Senate :

SENATE CHAMBER, }
March 4, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return the "bill to provide for the transfer of real estate on execution and on mortgage sales," and to respectfully inform the House that the Senate have passed the same with amendments, in which they ask the concurrence of the House.

Also, to return the joint resolution fixing a day for the adjournment of the legislature, and to inform the House that the Senate have concurred in the House amendment thereto, with an amendment, in which they respectfully ask the concurrence of the House.

JAS. E. PLATT,
Sec'y of Senate.

The House concurred in the amendments to the first mentioned bill, when

Mr. Bush moved the indefinite postponement of the bill.

The Speaker decided the motion out of order.

Mr. Bush appealed from the decision of the chair.

The House sustained the chair.

Mr. Bush gave notice that he should at some future time protest against the action of the House.

On the joint resolution,

Mr. Smith moved to concur in the amendment of the Senate.

Mr. Lacey moved to postpone the further consideration of the resolution until 11 o'clock on Wednesday.

Mr. Purdy moved a call of the House, which motion prevailed, and there were six members absent.

Mr. Murray asked and obtained leave of absence for Mr. Rowland until this evening.

Mr. Beach for Mr. O'Keeffe.

On motion of Mr. Andrews, further proceedings under the call were dispensed with.

The question being then taken on Mr. Lacey's motion, it was lost by a tie vote, as follows :

Yeas—Messrs. Andrews, Beach, Brown, Cady, J. L. Gage, Wm. Gage, Goodwin, Hixon, Howe, Johnson, King, Lacey, Lamb, Lee, Littlejohn, Livermore, McCamly, Murray, Poppleton, Pratt, Provost, Rix, Seely—23.

Nays—Messrs. Anderson, Axford, Barnard, Bush, Goodell, Godfroy, Hagaman, Lothrop, Lawrence, McLeod, Mottram, Olds, Purdy, Rice, Schoolcraft, Smith, Snell, Snow, Vaughn, Vickery, Videto, Waldron, Speaker—23.

Mr. Lacey moved the postponement of the further consideration of the resolution, until Tuesday afternoon, 5 o'clock, which motion did not prevail.

Mr. Videto moved to lay on the table ; lost by the following vote :

Yeas—Messrs. Anderson, Andrews, Beach, Cady, J. L. Gage, Wm. Gage, Goodwin, Howe, Johnson, King, Lacey, Lothrop, Lawrence, Lee, Littlejohn, Livermore, McCamly, Murray, Provost, Rix, Seely, Videto—22.

Nays—Messrs. Axford, Barnard, Brown, Bush, Goodell, Godfroy,

Hagaman, Hixon, Lamb, McLeod, Mottram, Olds, Poppleton, Pratt, Purdy, Rice, Schoolcraft, Smith, Snell, Snow, Vaughn, Vickery, Waldron, Speaker—24.

The question on concurring with Senate amendment, prevailed by the following vote :

Yeas—Messrs. Axford, Barnard, Bush, Cady, Carpenter, J. L. Gage, Godfroy, Hagaman, Lacey, Lothrop, Lawrence, Lee, McLeod, Mottram, Olds, Patterson, Poppleton, Purdy, Rice, Rix, Schoolcraft, Smith, Snell, Vickery, Waldron, Speaker—26.

Nays—Messrs. Anderson, Andrews, Beach, Brown, Wm. Gage, Goodell, Goodwin, Hixon, Howe, Johnson, King, Lamb, Littlejohn, Livermore, McCamly, Murray, Pratt, Provost, Seely, Snow, Vaughn, Videto—22.

THIRD READING OF BILLS.

The "bill to amend an act to reduce the price of university and school lands, and for other purposes," was read a third time and passed, as follows :

Yeas—Messrs. Anderson, Beach, Brown, Goodell, Hagaman, Johnson, Lacey, Lamb, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, Olds, Patterson, Poppleton, Pratt, Rix, Seely, Snell, Vickery, Videto, Weld—23.

Nays—Messrs. Andrews, Bush, Cady, Carpenter, J. L. Gage, Wm. Gage, Godfroy, Hixon, Howe, King, McLeod, Murray, O'Keeffe, Provost, Purdy, Rice, Schoolcraft, Smith, Snow, Vaughn, Waldron, Speaker—22.

Mr. Pratt, from the special committee, reported the bill to erect a toll gate, and for keeping in repair the Detroit and Saginaw road, and for other purposes, as amended in accordance with the instructions of the House.

The bill was passed by the following vote :

Yeas—Messrs. Andrews, Beach, Cady, J. L. Gage, Wm. Gage, Goodell, King, Lacey, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Olds, Patterson, Poppleton, Pratt, Provost, Purdy, Seely, Smith, Snell, Vickery, Videto, Waldron—26.

Nays—Messrs. Anderson, Brown, Bush, Carpenter, Godfroy, Hagaman, Hixon, Howe, Lamb, Murray, Rice, Schoolcraft, Seaw, Vaughn, Weld, Speaker—16.

The title was amended by the recommendation of the committee, by striking out the word "erect," and inserting "authorize the erection of," and adopted.

UNFINISHED BUSINESS.

Being the bills reported by the committee of the whole on Saturday last, were taken up.

The first in order was No. 3, bill concerning the mayor's court in the city of Detroit, was read a third time, and the question on its passage prevailed as follows :

Yeas—Messrs. Anderson, Andrews, Beach, Brown, Bush, Cady, Carpenter, J. L. Gage, Wm. Gage, Goodell, Goodwin, Hagaman, Hixon, Johnson, King, Lacey, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Murray, Olds, Patterson, Poppleton, Provost, Purdy, Rix, Seely, Snell, Vaughn, Vickery, Videto, Waldron—34.

Nays—Messrs. Godfroy, Lamb, Lothrop, Pratt, Rice, Schoolcraft, Weld, Speaker—8.

On motion of Mr. Schoolcraft, the House adjourned until half-past two o'clock this afternoon,

AFTERNOON SESSION.

Half-past 2 o'clock P. M.

MESSAGE FROM THE SENATE.

The Speaker announced the following message from the Senate :

SENATE CHAMBER, }
March 6, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit a "bill to reduce the salary of the superintendent of public instruction," which the Senate have passed, and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,

Sec'y of Senate.

The bill was read twice and referred to the committee on the judiciary.

• No. 4, of bills and resolutions reported by the Senate on Saturday, was adopted as amended by the committee.

5. Bill was read a third time, and passed by the following vote :

Yeas—Messrs. Andrews, Axford, Beach, Bush, J. L. Gage, Wm. Gage, Godfroy, Hagaman, Johnson, King, Lacey, Lee, Littlejohn, Livermore, McCamly, McLeod, Moore, Olds, Patterson, Pratt, Purdy, Rix, Schoolcraft, Seely, Smith, Snell, Videto, Speaker—28.

Nays—Messrs. Anderson, Goodell, Goodwin, Hixon, Lamb, Lothrop, Murray, Provost, Rice, Snow, Vaughn, Vickery, Waldron, Weld—14.

6. On motion of Mr. Littlejohn, was amended by striking out the words "may be holden at the capitol," and was then read a third time and passed.

7. Was, on motion of Mr. Goodwin, laid on the table.

8. Was read a third time and passed.

9. Joint resolution, adopted on division.

11. Was, on motion of Mr. Pratt, laid on the table.

12. The question on concurring with the committee of the whole, in striking out all after the enacting clause, prevailed by the following vote :

Yeas—Messrs. Anderson, Andrews, Beach, Brown, Cady, Godfroy, Goodwin, Hixon, Howe, Johnson, Lacey, Lothrop, Littlejohn, McCamly, Mottram, Patterson, Rice, Rix, Schoolcraft, Seely, Snow, Vaughn, Videto, Waldron, Speaker—25.

Nays—Messrs. Barnard, Bush, Carpenter, J. L. Gage, William Gage, Goodell, Hagaman, King, Lamb, Lawrence, Lee, Livermore, McLeod, Moore, Murray, Olds, Poppleton, Pratt, Provost, Purdy, Smith, Snell, Vickery, Weld—24.

The enacting clause was, on motion of Mr. Goodwin, indefinitely postponed.

Mr. Littlejohn called up the "bill to authorize Wm. L. Whipple and others, to release their interest in certain real estate," which was read a third time and passed.

13. From committee of the whole on Saturday.

Mr. Bush offered an amendment by inserting "except for university and school lands," which amendment was adopted.

Mr. Bush moved further to amend the bill by inserting the following:

Provided, That sections four and five of this act and so much of any other part or parts thereof as provide for a direct tax upon the taxable property of this state for the payment of interest upon any of the bonds of this state, issued by virtue of an act approved March 21, 1837, "to authorise a loan of five millions of dollars," shall not take effect until it is ratified by a majority of the qualified electors of this

state at the next general election voting for and against it : and the secretary of state is hereby required to give notice in the state paper twelve successive weeks prior to the next general election, that such proposition will be submitted to the people for their decision at such election ; and shall likewise give to the sheriffs of the several counties of this state, notice of the same in addition to the notice required to be given by the 2d section of part 1st, title 2, chapter 2d of the revised statutes, and every person voting for such tax at said election shall have written or printed upon his ballot the word "tax" and every person voting against such tax shall have written upon his ballot the words "no tax," and the inspectors of elections shall prepare a suitable ballot box for the reception of said ballots, and shall canvass and return such vote as required by law in case of an election for governor and lieutenant governor ; and if it shall appear that a majority of said ballots cast in this state, shall be against the imposition of said tax, sections four and five, and all other parts of said act that relate to a direct tax shall be void.

Mr. Carpenter offered the following amendment to the amendment :

"Also, submit the question to the people at the same time and in the same manner, as to whether the construction of the works of internal improvement shall be carried on, while the interest on the state debt has to be provided for by direct taxation."

The yeas and nays being called, the amendment of Mr. Carpenter was lost :

Yeas—Messrs. Axford, Barnard, Beach, Bush, Cady, Carpenter, Lamb, Lee, Murray, Poppleton, Pratt, Provost, Rice, Seely, Snell, Vickery, Speaker—17.

Nays—Messrs. Anderson, Andrews, J. L. Gage, Wm. Gage, Goodell, Godfroy, Goodwin, Hixon, Howe, Johnson, King, Lacey, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, Olds, Patterson, Purdy, Rix, Schoolcraft, Snow, Vaughn, Videto, Waldron, Weld—30.

Mr. Barnard moved to amend the amendment by striking out sections 4 and 5.

During the discussion of Mr. Barnard's amendment, the subject was laid on the table, and the Speaker announced the following

MESSAGE FROM THE SENATE.

SENATE CHAMBER, }
March 6, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return the "bill to provide for the assessment and collection of taxes," and to respectfully inform the House that the Senate have concurred in the House amendments to the Senate amendments to said bill, and have receded from their amendments to said bill in which the House non-concurred.

Also, to inform the House that the Senate have appointed as a committee of conference on their part, on the "bill relative to common or primary schools," Senators Warner, Bell and Wakefield.

Also, to return the "joint resolution relative to an amendment of the act to regulate tax sales for the year 1843," and to respectfully inform the House that the Senate have concurred therein.

JAS. E. PLATT,

Sec'y of Senate.

And the said bill and joint resolution were ordered to be enrolled.

Mr. Lacey demanded the previous question, which was sustained as follows :

Yeas—Messrs. Anderson, Andrews, Brown, Cady, Carpenter, J. L. Gage, Wm. Gage, Goodell, Godfroy, Goodwin, Hagaman, Hixon, Howe, Johnson, King, Lacey, Lothrop, Lawrence, Littlejohn, Livermore, McCamly, Moore, Mottram, Olds, Purdy, Rix, Schoolcraft, Smith, Snow, Vaughn, Videto—31.

Nays—Messrs. Axford, Barnard, Beach, Bush, Lamb, Leo, McLeod, Murray, O'Keefe, Patterson, Poppleton, Pratt, Provost, Rice, Seely, Snell, Vickery, Waldron, Speaker—19.

Mr. Lamb moved that the House adjourn, which motion was lost.

Mr. Barnard's amendment was lost by the following vote :

Yeas—Messrs. Axford, Barnard, Beach, Bush, Cady, Goodell, Lamb, Lawrence, Lee, Livermore, Murray, Poppleton, Pratt, Provost, Rice, Rix, Seely, Snell, Vickery—19.

Nays—Messrs. Anderson, Andrews, Brown, Carpenter, J. L. Gage, Wm. Gage, Godfroy, Goodwin, Hagaman, Hixon, Howe, Johnson, King, Lacey, Lothrop, Littlejohn, McCamly, McLeod, Moore, Mottram, O'Keefe, Olds, Patterson, Purdy, Schoolcraft, Smith, Snow, Vaughn, Videto, Waldron, Speaker—31.

Mr. Bush's amendment was lost by the following vote :

Yeas—Messrs. Axford, Barnard, Beach, Bush, Cady, Carpenter, Goodell, Hagaman, Lamb, Lawrence, Lee, Livermore, Murray, O'Keefe, Olds, Poppleton, Pratt, Provost, Rice, Rix, Seely, Snell, Vickery, Videto—24.

Nays—Messrs. Anderson, Andrews, Brown, J. L. Gage, William Gage, Godfroy, Goodwin, Hixon, Howe, Johnson, King, Lacey, Lothrop, Littlejohn, McCamly, McLeod, Moore, Mottram, Patterson, Purdy, Smith, Snow, Vaughn, Waldron, Speaker—25.

Mr. Pratt moved an adjournment, which motion was lost.

The bill was then ordered to a third reading by the following vote :

Yeas—Messrs. Anderson, Andrews, Brown, Carpenter, J. L. Gage, Wm. Gage, Godfroy, Goodwin, Hagaman, Hixon, Howe, Johnson, King, Lacey, Lothrop, Lawrence, Littlejohn, McCamly,

McLeod, Moore, Mottram, O'Keeffe, Patterson, Purdy, Smith, Snow, Vaughn, Videto, Speaker—29.

Nays—Messrs. Axford, Barnard, Beach, Bush, Cady, Goodell, Lamb, Lee, Livermore, Murray, Olds, Poppleton, Pratt, Provost, Rice, Rix, Seely, Snell, Vickery, Waldron—20.

On motion of Mr. Purdy, the House adjourned until 7 o'clock this evening.

EVENING SESSION.

Seven o'clock P. M.

Not a quorum present.

Members appearing and taking their seats,

The Speaker, before taking up the unfinished business, announced the following

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE,
Detroit, March 6, 1843. }

To the House of Representatives :

I have this day approved, signed and deposited in the office of the secretary of state, the following acts, viz :

“An act to amend section 52 of an act entitled “an act to provide for the voluntary dissolution of corporations, and to prescribe the duties of receivers in chancery, in certain cases, and for other purposes,” approved April 15, 1839.”

“An act for the relief of Benjamin Frish.”

“An act relative to the claim of Zephaniah Platt.”

“An act to repeal sections forty-three and forty-six, of chapter first, title seventh, part first of the revised statutes.”

"An act to amend part first, title 7th, chapter 6 of the revised statutes, relative to the interest of money."

And a "joint resolution relative to payment of the board of appraisers."

JOHN S. BARRY.

And the following

MESSAGES FROM THE SENATE.

SENATE CHAMBER, }
March 6, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit a "bill to attach certain townships to the county of Genesee, as a part of the territory and jurisdiction thereof," which the Senate have passed, and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,
Sec'y of Senate.

And the said bill was referred to the committee on towns and counties.

SENATE CHAMBER, }
March 6, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return the "bill making the record of conviction filed in the state prison office evidence in certain cases," and to respectfully inform the House that the Senate have concurred therein.

Also, to inform the House that the Senate have concurred in the House amendment to the "bill to repeal an act entitled an act to organize a certain township in the county of Genesee, and certain acts amendatory thereof;" and have ordered the same to be enrolled.

JAS. E. PLATT,

Sec'y of Senate.

And the said bill was ordered to be enrolled.

Bill No. 13, from committee of the whole, being still before the House, was read a third time.

Mr. Bush moved to commit the bill to the committee on ways and means, with the following instructions :

Strike out the 4th and 5th sections, and insert :

"And if the proceeds of the public works of this state, together with all other resources that may hereafter come into the treasury to the credit of the internal improvement fund, shall be insufficient to pay the interest upon the principal of the just debts of Michigan, and ultimately to extinguish the principal; we hereby pledge ourselves in good faith to submit to direct taxation, as soon as we are able to bear the same."

On motion of Mr. Lothrop, there was a call of the House,

And there were eleven members absent.

Mr. Axford asked and obtained leave of absence for Mr. Hagiman.

On motion of Mr. Lee, Mr. Beers was appointed sergeant-at-arms pro tempore, and directed to bring in absentees.

On motion of Mr. Goodwin, further proceedings under the call were dispensed with.

Mr. Rice offered the following substitute for Mr. Bush's motion :

Strike out the word "Marshall," and insert the word "Kalamazoo," in the second section, and to substitute the following section for the seventh section of the Bill :

Section 7. Sections one, two and three of this act, together with this section, shall take effect from and after the tenth day of March instant. Sections four, five and six, of this act, shall never take effect unless the same shall be sanctioned by the people as hereinafter provided. The secretary of state shall cause to be published the fourth, fifth and sixth sections of this act, together with this section, in the state paper, at least once in each week, for six weeks next preceeding the next general election to be holden in this state, and all other officers required by law to give or publish any notices in regard to such general election, shall give notice that the aforesaid sections, (referring to them,) are hereby duly submitted to the electors of this state for the purpose of enabling them to express their opinion of the expediency of the tax contemplated in said sections, in the manner and form hereinafter prescribed.

At the next general election in this state, there shall be kept by each board of inspectors of elections a suitable box entitled and labelled, "tax box," in which shall be deposited the ballots by them received, endorsed with the word "tax," and the inspectors in receiving such votes, and deciding all questions incidental thereto, shall be governed as near as may be by the laws relative to the election of state officers. And the qualified electors of this state, at such election, are each hereby authorized to deliver to the board of inspectors a ballot properly folded, endorsed with the word "tax," which shall contain the words "no tax," or "against the tax," as the case may be, and the votes thus given shall be canvassed, certified and returned by the proper canvassing officers, to the office of the secretary of state, as in the case of the election of state officers, as near as may be; and the board of state canvassers shall give notice immediately after canvassing said votes, which notice shall contain a statement of the whole number of votes given; the whole number given for and the whole number against the tax; and if a majority of the votes shall have been given "for the tax," then said sections four, five and six, shall be deemed sanctioned by the people, and shall take effect

and be in force from and after the date of such notice, otherwise they shall not be deemed so sanctioned, and shall remain a nullity.

Mr. McLeod moved to amend the substitute by inserting instead of the words "tax" or "no tax," the words "no repudiation" or "repudiation," which motion prevailed as follows :

Yeas—Messrs. Anderson, Andrews, Brown, J. L. Gage, Godfroy, Goodwin, Hixon, Howe, Johnson, King, Lacey, Lothrop, Littlejohn, McCamly, McLeod, Moore, Mottram, O'Keefe, Patterson, Purdy, Schoolcraft, Smith, Snow, Vaughn, Videto, Weld, Speaker—27.

Nays—Messrs. Axford, Barnard, Beach, Bush, Cady, Wm. Gage, Lamb, Lawrence, Lee, Livermore, Murray, Olds, Poppleton, Pratt, Provost, Rice, Rix, Seely, Snell, Vickery, Waldron—21.

Mr. Vickery having the floor, was called to order by the Speaker.

Mr. Lamb moved that Mr. Vickery have leave to explain any thing resting upon his mind, in regard to the manner in which the minority on this floor had been most essentially gagged, which motion prevailed.

Mr. Rice's substitute was adopted by the following vote :

Yeas—Messrs. Anderson, Andrews, Barnard, Beach, Brown, Eush, J. L. Gage, Goodwin, Hixon, Johnson, King, Lacey, Lothrop, Lee, Littlejohn, McCamly, McLeod, Moore, Mottram, O'Keefe, Patterson, Rice, Schoolcraft, Smith, Snow, Speaker—26.

Nays—Messrs. Axford, Cady, Wm. Gage, Godfroy, Howe, Lamb, Lawrence, Livermore, Murray, Olds, Poppleton, Pratt, Provost, Purdy, Rix, Seely, Snell, Vaughn, Vickery, Videto, Waldron, Weld—22.

The question on recommitting with instructions, was lost as follows :

Yeas—Messrs. Axford, Barnard, Beach, Bush, Lee, Livermore, Murray, Rice, Seely, Smith, Snell—11.

Nays—Messrs. Anderson, Andrews, Brown, Cady, J. L. Gage, Wm. Gage, Godfroy, Goodwin, Hixon, Howe, Johnson, King, Lamb, Lothrop, Lawrence, Littlejohn, McCamly, McLeod, Moore, Mottram, O'Keefe, Olds, Patterson, Poppleton, Pratt, Pro-

vost, Purdy, Rix, Schoolcraft, Snow, Vaughn, Vickery, Videto, Waldron, Weld, Speaker—37.

Mr. Pratt moved to recommit.

Here the Speaker decided any motion to commit out of order.

Mr. Bush appealed from the decision of the chair, and the chair was sustained by the House.

The bill was then passed by the following vote :

Yeas—Messrs. Anderson, Andrews, Brown, J. L. Gage, William Gage, Godfroy, Goodwin, Hixon, Howe, Johnson, King, Lacey, Lethrop, Littlejohn, McCamly, McLeod, Moore, Mottram, O'Keefe, Olds, Patterson, Pratt, Purdy, Schoolcraft, Smith, Snow, Vaughn, Speaker—28.

Nays—Messrs. Axford, Barnard, Beach, Bush, Cady, Lamb, Lawrence, Lee, Livermore, Murray, Poppleton, Provost, Rice, Rix, Seely, Snell, Vickery, Videto, Waldron, Weld—20.

Mr. Johnson moved a reconsideration of the vote last taken.

Mr. Pratt moved to lay the motion on the table, which was lost as follows :

Yeas—Messrs. Axford, Barnard, Beach, Bush, Cady, Lamb, Lee, Livermore, Murray, Poppleton, Pratt, Provost, Rice, Rix, Seely, Snell, Vickery, Waldron—18.

Nays—Messrs. Anderson, Andrews, Brown, J. L. Gage, William Gage, Godfroy, Goodwin, Hixon, Howe, Johnson, King, Lacey, Lethrop, Lawrence, Littlejohn, McCamly, McLeod, Moore, Mottram, O'Keefe, Olds, Patterson, Purdy, Schoolcraft, Smith, Snow, Vaughn, Videto, Weld, Speaker—30.

The question being on the title, Mr. Waldron sent up the following substitute, which was not adopted :

"A bill to authorize a direct tax in the year A. D. 1845, and to suspend the payment of interest on the public debt until that time."

The title of the bill was then adopted on division.

SPECIAL ORDER.

On motion of Mr. McLeod, the House went into committee of the whole on the several judiciary bills, Mr. McLeod in the chair.

Having gone through with the bill the committee rose, reported the bill with the amendments, and asked the concurrence of the House.

The amendments were all concurred in except the second, which was lost as follows :

Yeas—Messrs. Anderson, Barnard, Bush, Howe, Lacey, Lamb, Lothrop, Lee, Olds, Patterson, Pratt, Rice, Rix, Smith, Snell, Snow, Vickery, Waldron—18.

Nays—Messrs. Andrews, J. L. Gage, William Gage, Godfrey, Goodwin, Hixon, Johnson, Lawrence, Littlejohn, Livermore, McCamly, McLeod, O'Keefe, Vaughn, Vid to, Weld, Speaker—18.

Mr. Johnson then moved to adjourn, which motion did not prevail.

Mr. Pratt moved to strike out "Jackson," and insert "Pontiac."

Mr. Smith to amend the amendment by inserting "Howell," and a division of the question being called, the motion to strike out was lost on division.

Mr. Lothrop moved to strike out the whole section, which motion was also lost.

Mr. Littlejohn offered an amendment.

Mr. Patterson moved to adjourn, which motion was lost on division.

Mr. Pratt moved a call of the House, which was not ordered.

Mr. Lamb, to adjourn. Lost.

Mr. Waldron, to lay the bill on the table. Lost.

Mr. Littlejohn's amendment was then adopted.

Mr. Littlejohn offered an amendment to section 5, which amendment was adopted, and an amendment by the same to section 7, was also adopted.

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HOUSE OF REPRESENTATIVES.

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The bill was then ordered engrossed for a third reading.

Mr. Bush called up the claim of John Van Fossen.

The amendment of the committee of ways and means was adopted
by the House.

The bill was then read a third time and passed.

The Speaker then announced the following

MESSAGE FROM THE GOVERNOR.

EXECUTIVE OFFICE, }
Detroit, March 6, 1843. }

To the House of Representatives :

I have this day approved, signed and deposited in the office of the
secretary of state,

“An act to regulate tax sales for the year eighteen hundred and
forty-three, and for other purposes.”

JNO. S. BARRY.

Also the following

MESSAGES FROM THE SENATE.

SENATE CHAMBER, }
March 6, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit a “bill making
appropriations on the Northern railroad and Grand river turnpike,”
which the Senate have passed, and respectfully ask the concurrence
of the House therein.

JAS. E. PLATT.

Sec'y of Senate.

And said bill was referred to the committee of the whole, and placed on the general order.

SENATE CHAMBER. }
March 6, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit a “bill to establish district courts in the counties of Wayne, Oakland, Washtenaw, Monroe and Jackson, and to repeal an act entitled an act to establish a district court within the county of Wayne,” which the Senate have passed, and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,
Sec’y of Senate.

Said bill was read twice and referred to the committee on the judiciary.

On motion of Mr. Lamb, the House then adjourned until 10 o’clock to-morrow morning.

TUESDAY, March 7, 1843.

The House met pursuant to adjournment.

The journals of yesterday were read and corrected.

REPORTS.

Mr. Littlejohn submitted the following reports :

The committee on the judiciary to whom was referred a bill to de-

fine the powers of the supreme court relative to mandamus, reported the same back recommending its passage, and the bill was referred to the committee of the whole.

The same committee also reported back a bill to amend an act entitled an act relative to the costs of prosecution in criminal prosecutions, recommending its passage, and the same was referred to the committee of the whole.

The same committee also reported back to the House the Senate bill to establish a district court in the counties of Wayne, Oakland, Washtenaw, Jackson and Monroe, and to repeal an act entitled an act to establish a district court within the county of Wayne, with an amendment thereto, striking out the "county of Monroe."

And the bill and report were placed upon the general order.

Mr. Bush, from the committee on banks and incorporations to whom was referred a Senate bill to remove the Farmers' and Mechanics' Branch Bank from St. Joseph to Niles, having had the same under consideration, reported the same back to the House with sundry amendments in which they ask the concurrence of the House.

And the bill was placed upon the general order.

Mr. Moore, from the committee on roads and bridges, having had under consideration the several bills to lay out certain state roads, having attached the several bills together, reported the same back and recommended the passage of the same.

And the report was placed upon the general order.

Mr. Anderson, from the committee on the organization of towns and counties, to whom was referred a bill to divide the upper peninsula into six counties and to define the boundaries of the same, having had the said bill under consideration, reported the same back to the House and recommended its passage.

And the same was placed upon the general order.

Mr. Barnard, from the committee on education to whom was referred Senate bill "to reduce the salary of the superintendent of public instruction," having had the same under consideration, reported

the same back to the House with an amendment, in which they respectfully ask the concurrence of the House.

And the bill was placed on the general order.

RESOLUTIONS.

Mr. Hagaman offered the following joint resolution :

“Resolved by the Senate and House of Representatives of the State of Michigan, That the commander-in-chief be, and he is hereby authorized to grant, (upon application,) an order upon the acting commissioner of internal improvement, or any superintendent of any state railroad in this state, for the free transportation of any uniform volunteer company, commissioned or non-commissioned officer or musician of the militia, with their necessary baggage and equipage, upon any of said railroads, going to or returning from any camp of instruction or other military rendezvous authorized by law, or to any general volunteer encampment.”

Mr. Goodwin offered an amendment, which he subsequently withdrew.

Mr. Livermore demanded the previous question, which was sustained.

The resolution was not adopted as follows :

Yeas—Messrs. Beach, Cady, Carpenter, Godfroy, Hagaman, Johnson, Lamb, Lee, Littlejohn, Livermore, Moore, Murray, Olds, Provost, Seely, Videto, Speaker—17.

Nays—Messrs. Andrews, Axford, Barnard, Brown, Bush, J. L. Gage, Wm. Gage, Goodell, Goodwin, Hixon, King, Lacey, McCamly, McLeod, Mottram, Patterson, Poppleton, Purdy, Rix, Smith, Snell, Vaughn, Vickery, Waldron, Weld—25.

Mr. Hagaman offered the following joint resolution, amended by Mr. Johnson :

Resolved by the Senate and House of Representatives of the state of Michigan, That such portion of the 500,000 acres of land granted by congress to this state as may be sold by virtue of the act making provisions for the establishment of a land office and for sales of public lands, shall be exempt from taxation for three years from and after the time said lands be offered for sale, provided that such exemption shall extend only to actual settlers on the land sold.

The resolution was lost by the following vote :

Yeas—Messrs. Axford, Cady, Carpenter, J. L. Gage, Goodell, Godfroy, Hagaman, Johnson, King, Lothrop, Littlejohn, McLeod, O’Keeffe, Olds, Patterson, Seely, Vaughn, Videto, Waldron, Weld, Speaker—21.

Nays—Messrs. Anderson, Andrews, Barnard, Beach, Brown, Bush, Wm. Gage, Goodwin, Hixon, Howe, Lacey, Lamb, Lawrence, Lee, Livermore, McCamly, Moore, Mottram, Murray, Poppleton, Provost, Purdy, Rice, Rix, Snell, Snow, Vickery—27.

Mr. Lamb offered a joint resolution in relation to delinquent tax bonds, which was laid upon the table.

The bill to reduce the salary of the superintendent of public instruction, was taken up, and the amendment of the committee on education was adopted.

Mr. McLeod moved to strike out “\$500” and insert “\$300,” which motion prevailed.

Mr. McLeod offered the following which was lost :

The attorney general shall receive an annual salary of \$700, to be paid in quarterly instalments out of the state treasury.

The bill as amended was then read a third time and passed.

The “bill laying out and establishing certain state roads,” was taken up.

Mr. McLeod offered an amendment, which was adopted.

Mr. Purdy moved to insert, “by way of Corrunna,” in the 8th section, which motion prevailed.

The bill was then ordered engrossed.

On motion of Mr. Lacey, the "bill for the relief of Curtis Bough-ton," was taken up and the rules being suspended, read a third-time and passed.

The Speaker announced the following

MESSAGE FROM THE SENATE.

SENATE CHAMBER, }
March 7, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return the "bill to authorize the erection of a toll gate and for keeping in repair the Detroit and Saginaw road, and for other purposes."

Also, a "bill to alter the corporate limits of the village of Niles," and to respectfully inform the House that the Senate have concurred therein.

Also, a "bill to amend part 1, title 9, chap. 2, of the revised statutes," and to respectfully inform the House that the Senate have non-concurred therein.

JAS. E. PLATT,

Sec'y of Senate.

And the two first named bills were ordered to be enrolled, and the third laid on the table.

GENERAL ORDER.

On motion of Mr. McLeod, the House went into committee of the whole on the general order, Mr. Bush in the chair.

And had the following entitled and numbered bills under consideration ;

1. A bill to authorize the building of a bridge across Grand river, in the county of Kent.

The committee rose and reported the same to the House, and asked the concurrence of the House therein.

All the amendments of the committee were concurred in except the second.

Mr. Littlejohn offered an amendment, which was adopted.

Pending the discussion, the House adjourned.

AFTERNOON SESSION.

Half-past 2 o'clock P. M.

A quorum present.

The report of the committee of conference being under discussion on the primary school bill, it was concurred in as follows :

Yeas—Messrs. Andrews, Brown, Bush, Carpenter, J. L. Gage, Wm. Gage, Goodell, Goodwin, Johnson, King, Lothrop, Lee, Littlejohn, Livermore, McCamly, Moore, Mottram, Olds, Poppleton, Purdy, Rix, Snow, Weld, Speaker—24.

Nays—Messrs. Axford, Barnard, Hixon, Lacey, Lawrence, Provost, Rice, Rowland, Seely, Vickery, Videto, Waldron—12.

GENERAL ORDER.

The House then went into committee of the whole, Mr. Lee in the chair, on the general order.

The committee of the whole had the following numbered and entitled bills under consideration :

1. A "bill to incorporate the Oakland county mutual fire insurance company."

2. A "bill to amend an act entitled an act relative to office rooms of the secretary of state."

3. A bill relative to adjustment of damages from construction of public works.

4. A joint resolution relative to running the cars on the Detroit and Pontiac railroad, on the first day of the week.

5. Bill to remove the branch of the Farmers' and Mechanics' bank from St. Joseph to Niles;

When the committee rose and reported the bills to the House with amendments, in which they asked the concurrence of the House.

No. 1. The House concurred in the amendments, suspended the rules, and passed the bill.

No. 2. On motion of Mr. Goodwin, this bill was recommitted to the committee on supplies and expenditures, with instructions to strike out all relative to an appropriation.

No. 3. Was read a third time and passed.

No. 4. Was adopted.

No. 5. The substitute of the committee of the whole was adopted, the rules suspended, the bill read a third time, and the question being on its passage, it was lost by the following vote :

Yeas—Messrs. Anderson, Andrews, Axford, Cady, Godfroy, King, Lacey, Lothrop, Lawrence, Littlejohn, McCamly, McLeod, Olds, Rix, Rowland, Snell, Vickery, Waldron, Weld—19.

Nays—Messrs. Barnard, Bush, Carpenter, Goodwin, Hagaman, Hixon, Howe, Johnson, Lamb, Lee, Murray, Patterson, Poppleton, Provost, Purdy, Rice, Seely, Vaughn, Speaker—19.

Mr. Hixon moved to reconsider the vote last taken, which motion was, on motion of Mr. Lacey, laid on the table.

The Speaker announced the following

MESSAGE FROM THE SENATE.

SENATE CHAMBER, }
March 7, 1843. }

To the Speaker of the House of Representatives :

Sir—I am instructed by the Senate to return the “bill to amend an act entitled an act to amend an act entitled an act to incorporate the village of Marshall and for other purposes, approved Feb. 12, 1842,” and to respectfully inform the House that the Senate have concurred in the House amendments to said bill with the exception of the two last, in which the Senate have non-concurred.

Also, to return a “bill to organize certain townships and for other purposes,” and to inform the House that the Senate have passed the same with amendments in which they respectfully ask the concurrence of the House.

Also, to return the “bill to authorize the erection of certain dams in Ingham and other counties in this state,” and to inform the House that the Senate have passed the same with an amendment, in which they respectfully ask the concurrence of the House.

Also, to transmit a “bill explanatory of an act entitled an act to reduce the price of university and school lands, and for other purposes, approved Feb. 13, 1842,” and to respectfully ask the concurrence of the House therein.

JAS. E. PLATT,
Sec’y of Senate.

And on the first named bill the House receded from its amendments.

And on the second the amendments of the Senate were concurred in with an amendment to the 22d section, striking out Newburgh, and inserting Johnson.

On the third bill the House concurred in the amendments.

And the last named bill was referred.

The House again went into committee of the whole, Mr. Lamb in the chair, on the "bill to establish a district court in the county of Wayne, and to repeal an act entitled an act to establish a district court in the county of Wayne."

The committee rose and reported the bill to the House with amendments, which were severally concurred in.

Mr. Vaughn moved to strike out \$1 50 from the section fixing the pay of associate judges, and insert \$3 00.

A division being called for, the motion to strike out was lost.

Mr. Lamb moved to strike out all after the enacting clause, which motion was lost by the following vote :

Yeas—Messrs. Carpenter, Lamb, Lothrop, Olds, Poppleton, Provost, Vaughn, Waldron, Weld—9.

Nays—Messrs. Anderson, Andrews, Axford, Barnard, Beach, Bush, Cady, J. L. Gage, Wm. Gage, Goodell, Goodwin, Hagaman, Hixon, Howe, Johnson, King, Littlejohn, Livermore, McCandly, McLeod, Mottram, Patterson, Pratt, Purdy, Rice, Rix, Rowland, Seely, Smith, Snell, Snow, Speaker—32.

The rules being suspended, the bill was read a third time and passed.

On motion of Mr. McLeod, the "bill to incorporate the borough of Michilmackinac," was taken up.

Mr. Lothrop moved to strike out all after the enacting clause, which he afterwards withdrew.

The amendment of the committee on banks and incorporations was adopted, and the bill was read a third time, the rules being suspended, and passed as follows :

Yeas—Messrs. Anderson, Andrews, Axford, Beach, Brown, Cady,

Carpenter, J. L. Gage, Wm. Gage, Goodell, Hagaman, Hixon, Howe, Johnson, King, Lacey, Lamb, Lothrop, Lee, Littlejohn, Livermore, McCamly, McLeod, Mottram, Murray, Olds, Patterson, Poppleton, Pratt, Provost, Pardy, Rix, Seely, Snell, Snow, Vaughn, Speaker—37.

Nays—Messrs. Barnard, Bush, Godfrey, Goodwin, Rice, Smith, Waldron, Weld—8.

Mr. Lothrop, from the committee on internal improvement, reported the "joint resolution in relation to leasing the La Plaisance Bay railroad," with an amendment.

The amendment was concurred in, and the resolution adopted by the House.

The "and to authorize Randall S. Rice, administrator on the estate of Nehemiah O. Sergeant, to execute an instrument in writing," being before the House, the rules were suspended, and the bill read a third time and passed.

On motion of Mr. Littlejohn,

The assignees of the Bank of Michigan, had leave to withdraw the papers relating to their claim.

Mr. Goodwin, from the committee on ways and means, reported the claim of V. S. Atkins, and as provision had been made in a previous joint resolution for this claim among others, on his motion the petitioner had leave to withdraw his papers.

Mr. Hathorn had leave to withdraw his claim, on motion of Mr. Littlejohn.

Mr. Lothrop moved that the House now go into committee of the whole.

On motion of Mr. Smith, the House adjourned until 7 o'clock this evening.

EVENING SESSION.

Seven o'clock P. M.

The House met pursuant to adjournment.

A quorum present.

On motion of Mr. Goodwin, it was

Resolved, That the House confine its action this evening to certain bills announced by the chair, and that the committee on ways and means have leave to withdraw for the evening.

Mr. Pratt from the committee on engrossment and enrolment, reported the "bill to amend the revised statutes, and the acts amending the same in relation to the supreme and circuit courts, and proceedings therein."

Mr. Purdy moved to recommit the bill to the committee on the judiciary, with instructions to strike out Jackson, and insert Ann Arbor and Pontiac in the first section of the bill.

Mr. Pratt moved to amend by inserting "and reduce the salaries of judges to \$1200 per annum."

Mr. Pratt's amendment was adopted by the following vote:

Yeas—Messrs. Anderson, Andrews, Axford, Barnard, Beach, Bush, Cady, Carpenter, Goodell, Lacey, Lamb, Lee, Murray, Olds, Poppleton, Pratt, Provost, Purdy, Rice, Rowland, Seely, Smith, Snell, Waldron—24.

Nays—Messrs. Brown, J. L. Gage, Wm. Gage, Hixon, Howe, Johnson, King, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Mottram, Rix, Vaughn, Videto, Weld, Speaker—18.

Mr. Lamb moved to amend the instructions by striking out the words "Ann Arbor and."

Mr. Littlejohn moved to lay the motion on the table, which was lost as follows :

Yeas—Messrs. Anderson, Johnson, King, Lacey, Livermore, McCamly, Mottram, Murray, Vaughn—9.

Nays—Messrs. Andrews, Axford, Barnard, Beach, Brown, J. L. Gage, Wm. Gage, Goodell, Hixon, Lamb, Lawrence, Lee, Olds, Patterson, Poppleton, Pratt, Provost, Purdy, Rice, Rix, Rowland, Smith, Snell, Videto, Waldron, Weld, Speaker—27.

The question recurring on Mr. Lamb's amendment, the same was carried by the following vote :

Yeas—Messrs. Andrews, Axford, Beach, Brown, Cady, Carpenter, J. L. Gage, Wm. Gage, Goodell, Goodwin, Hagaman, Johnson, Lacey, Lamb, Lawrence, Lee, Littlejohn, Livermore, McCamly, McLeod, Mottram, Murray, Poppleton, Pratt, Provost, Rix, Seely, Smith, Spell, Videto, Waldron, Weld—32.

Nays—Messrs. Anderson, Hixon, Howe, King, Moore, Patterson, Purdy, Rice, Rowland, Vaughn, Speaker—11.

Mr. Littlejohn, amended by Mr. Johnson, moved to make the warrants given to the judges at \$1200 per annum, payable in state lands, university and school lands excepted.

Mr. Barnard, to strike out all of the instructions except that part which fixes the salaries at \$1200.

Mr. Videto demanded the previous question, which was sustained.

Mr. Littlejohn's amendment was lost.

The House refused to recommit with instructions, as follows :

Yeas—Messrs. Axford, Barnard, Beach, Cady, Carpenter, Goodell, Hagaman, Lacey, Lamb, Lee, Olds, Patterson, Poppleton, Pratt, Provost, Purdy, Rix, Seely, Snell, Waldron, Weld—21.

Nays—Messrs. Anderson, Andrews, Brown, J. L. Gage, William Gage, Goodwin, Hixon, Howe, Johnson, King, Lawrence, Littlejohn, McCamly, McLeod, Moore, Murray, Rice, Rowland, Smith, Vaughn, Videto, Speaker—22.

The rules being suspended, the bill was read a third time and passed.

NOTICE.

Mr. Lee gave notice that he will on some future day ask leave to introduce a bill to revive part 3d, title 3, chapter 8th of the revised statutes and for other purposes.

On motion of Mr. McLeod, the House went into committee of the whole, on the following numbered and entitled bills :

1. A "bill to divide the upper peninsula into six counties."
2. A bill relative to costs of prosecution, in criminal cases.
3. A bill to define the powers of the supreme court, relative to mandamus.
4. A bill to change the name of certain counties.

The committee rose, and reported the first three bills without amendment,

And the fourth with amendments.

No. 1. The first blank in this bill was on motion of Mr. McLeod, filled with "Schoolcraft,"

The second blank with "Marquette,"

The third blank with "Ontonagon,"

The last blank with "Delta."

The rules were suspended, and the bill read a third time and passed.

No. 2. Rules were suspended and the bill read a third time and passed.

No. 3. Rules were suspended, and the bill read a third time and passed.

No. 4. Amendments all concurred in except the last,

On motion of Mr. Andrews, the word Marquette was stricken out and "Emmet" inserted.

The rules were suspended, and the bill passed by a unanimous vote, as follows :

Yeas—Messrs. Anderson, Andrews, Barnard, Bush, Carpenter, J. L. Gage, William Gage, Goodell, Hixon, Howe, Johnson, King, Lothrop, Littlejohn, Livermore, McCauley, McLeod, Moore, Mottram, Murray, O'Keefe, Olds, Patterson, Poppleton, Provost, Rice, Smith, Snell, Snow, Waldron, Weld, Speaker—36.

Nays—00.

The following message from the Senate was announced:

SENATE CHAMBER, }
March 7, 1843. }

To the Speaker of the House of Representatives :

First—I am instructed by the Senate to return the "bill to organize certain townships and for other purposes," and to respectfully inform the House that the Senate have non-concurred in the House amendment to the Senate amendments to said bill.

Also to return the "bill to reduce the salary of the superintendent of public instruction," and to inform the House that the Senate have concurred in the 1st House amendment, and have non-concurred in the 2d House amendment.

Also to inform the House that the Senate have concurred in the House amendments to the bill to authorize Randall S. Rice as administrator on the estate of N. O. Sergeant, to execute certain instruments in writing," and have ordered the same to be enrolled.

Also to inform the House that the Senate have concurred in the House amendment to the "joint resolution in relation to leasing the La Plaisance Bay rail road," and have ordered the same to be enrolled.

Also to inform the House that the Senate have concurred in the House amendments to the "bill to establish a district court in the counties of Wayne, Oakland, Washtenaw, Monroe and Jackson, and to repeal an act entitled an act to establish a district court within the county of Wayne," and have ordered the same to be enrolled.

JAS. E. PLATT,
Secretary of Senate.

On the first named bill, on motion of Mr. Lothrop, the House insisted upon the amendment, and on his motion a committee of conference was appointed consisting of Messrs. Lothrop, Murray and Howe.

On the 2d, Mr. Littlejohn moved that the House recede, which was agreed to by the following vote :

Yeas—Messrs. Andrews, Barnard, Beach, Brown, Carpenter, J. L. Gage, Wm. Gage, Goodell, Hagaman, Hixon, Howe, Johnson, King, Littlejohn, Livermore, McCamly, Moore, Mottram, O'Keeffe, Rice, Snow, Waldron, Speaker—23.

Nays—Messrs. Anderson, Bush, Lothrop, Lee, McLeod, Murray, Olds, Patterson, Poppleton, Pratt, Provost, Smith, Snell, Weld—14.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, }
March 7, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return the "bill to amend an act to reduce the price of university and school lands and for other purposes," and to respectfully inform the House that the Senate have non-concurred therein.

Also to return the "bill to change the terms of the court of chancery for the first circuit," and to inform the House that the Senate have non-concurred in the House amendment thereto.

Also to transmit a "joint resolution to amend the act to organize a land office and to regulate the sale of the public lands," which the Senate have adopted and respectfully ask the concurrence of the House therein.

JAS. E. FLATT,

Sec'y of Senate.

The House "insisted" upon their amendment to the second named bill, and concurred in the joint resolution.

Mr. McLeod on leave introduced a "bill to amend sec. 52, of an act to provide for the voluntary dissolution of corporations, &c.," which was referred to the committee on the judiciary.

WEDNESDAY, March 8, 1843.

The House met pursuant to adjournment.

Prayer by the Rev. Mr. Harrison.

Jouanal read and corrected.

REPORTS.

Mr. Littlejohn, from the committee on the judiciary, to whom was referred a bill to amend section 52 of an act to provide for the voluntary dissolution of corporations, would report the same back to the House without amendment and ask to be discharged from its further consideration.

And the committee were discharged.

Mr. Moore, from the committee on roads and bridges to whom was referred a bill entitled an act amending an act relative to highway taxes approved March 20, 1840, having had the same under consideration reported the same back without amendment and recommend the passage of the same, and asked to be discharged from the further consideration of the same.

The committee were accordingly discharged.

Mr. Pratt, from the committee on engrossment and enrolment re-

orted as correctly enrolled "an act to incorporate the Berrien Bridge company," and that the same was presented to the Governor for his signature on the 7th instant.

The same committee have examined a bill "to alter, lay out and establish certain state roads therein mentioned," and have made some corrections therein, so as to bring the style of it down at least to the commencement of the 19th century and report the same back to the House.

Mr. Snow, from the committee on claims to whom was referred the joint resolution relative to the claim of James B. Hunt, had the same under consideration, reported the same back to the House and recommended its adoption.

The rules were suspended and the resolution adopted.

The committee on roads and bridges reported the bill entitled an act "amendatory of an act relative to highway taxes," approved March 20, 1843," which bill was laid on the table.

Mr. McLeod made the following report :

The committee to whom was referred the claim of J. Ford and Son, relative to a certain bond of five thousand dollars (\$5000) beg leave to report, that from the absence of sufficient evidence on a subject of so much importance to the state, your committee are unwilling to recommend any course of action to the House, and ask to be discharged from any further consideration of the subject.

MESSAGE FROM THE GOVERNOR.

The Speaker announced the following :

EXECUTIVE OFFICE, }
Detroit, March 7, 1843. }

To the House of Representatives :

I have this day approved, signed and deposited in the office of the
secretary of state,

“An act to incorporate the Berrien Bridge company.”

JOHN S. BARRY.

The following communication from the auditor general :

AUDITOR GENERAL'S OFFICE, }
Detroit, March 7, 1843. }

To the Hon. Robert McClelland,

Speaker of the House of Representatives:

SIR—I had the honor to receive on the evening of the 6th inst.
the following resolution adopted by the House of Representatives on
the 22d Feb. to wit :

“Resolved, That the auditor general be, and he is hereby request-
ed to transmit to this House a full and accurate statement of all
claims for wolf bounties by him rejected, together with his reasons
for such rejections.”

To which I reply that the law under which wolf bounties are paid, which may be found on pages 55, 56 and 57, session laws of 1837 and 1838, requires,

First. That the person claiming such bounty shall be an inhabitant of this state or an Indian living within this state.

Second. That the wolf on which bounty is claimed was killed in an organized township.

Third. That "the head thereof with the ears and skin entire thereon" shall be presented to the Justice of the Peace, before whom an affidavit of the facts shall be made, and such further examination had "as the Justice and officer associated with him may require."

Fourth. Section four requires that the officers "shall cut off and burn the ears and scalp of such wolf" and a "certificate of the facts" to be made.

When certified copies of the original affidavit and certificates which must be made and forwarded are presented, it is the custom of this office to examine them, and if found deficient in either of the above particulars, to reject them.

If the deficiency is such as can be amended, that is, if the facts set forth in the certificate are insufficient, the papers are returned with objections noted, and the officer advised that if the certificate does not set forth all the facts, as they appeared on the examination, that the same may be altered to correspond with the facts; but that the affidavit cannot be altered or a new one made.

The practice of the office has been uniform, so far as I am informed, and it is based upon that construction of the statute, which presumes that the object of the legislature in requiring certified copies of the affidavit and certificate to be forwarded, with the claim for state bounty, was, to give this department the power of deciding whether the forms of the statute had been complied with. Any other construction would open the treasury to every application that might by possibility be passed upon favorably by the board of supervisors.

The substantive requirements of the statute are simple and appear necessary to prevent fraud or mistake, and an adherence to a strict construction of this act is deemed to be the duty of this department.

"A full and accurate statement" of rejected claims, or of the ground of such rejection cannot be given, for the reason that the claims are returned to the county treasurer with the reasons for rejection endorsed on each, for correction, (if corrections can be made) and no list preserved in this office.

All of which is respectfully submitted.

C. G. HAMMOND,
Auditor General.

And said report was laid on the table.

The Speaker announced the following

MESSAGE FROM THE SENATE.

SENATE CHAMBER, }
March 7, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to respectfully inform the House that the Senate have refused to recede from their disagreement with the House on the House amendment to the "bill to change the terms of the court of chancery for the first circuit," and have appointed as a committee of conference of their part on said disagreement, Senators Bell, Bradley and Howell, and respectfully ask the appointment of a like committee on the part of the House.

JAS. E. PLATT,
Sec'y of Senate.

On motion of Mr. Littlejohn, a committee of conference, consisting of Messrs. Littlejohn, Livermore and Lacey, on the part of the House.

SENATE CHAMBER. }
Wednesday, March 8, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return the "bill to amend the revised statutes and the acts amending the same in relation to the supreme and circuit courts and proceedings therein," with a substitute therefor, which the Senate have adopted and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,
Sec'y of Senate.

On motion of Mr. Lacey, the above bill was referred to the committee of the whole.

SENATE CHAMBER. }
March 8, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return a "bill to amend an act for incorporating the borough of Michilimackinac."

Also, "a bill for the relief of Curtis Boughton," and to respectfully inform the House that the Senate have passed the same.

Also, to transmit a "joint resolution relative to the claim of James B Hunt," which the Senate have adopted and respectfully ask the concurrence of the House therein.

Also, to transmit a "bill to provide for the publication of the reports of the decisions of the supreme court and of the court of chancery," which the Senate have passed and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,

Sec'y of Senate.

The first two mentioned bills were ordered to be enrolled.

The joint resolution was read twice, and referred to the committee on claims.

The last bill was read twice and referred to the committee on the judiciary.

SENATE CHAMBER, }
March 8, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit a joint resolution relative to the "act to establish district courts in the counties of Wayne, Oakland, Washtenaw and Jackson, and to repeal an act entitled an act to establish a district court within the county of Wayne," which the Senate have adopted, and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,

Sec'y. of Senate.

And the said joint resolution was read twice and referred to the committee on the judiciary.

SENATE CHAMBER, }
March 8, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to inform the House that Senators Howell, Redfield and Gray, have been appointed a committee of conference on the part of the Senate on the disagreement between the two Houses on the “bill to organize certain townships and for other purposes.”

Also, to return the following entitled bills and to respectfully inform the House that the Senate have passed the same :

“A bill to change the name of certain counties.”

“A bill to amend an act entitled an act relative to the costs of prosecutions in criminal cases.”

“A bill to define the powers of the supreme court relative to mandamus.”

JAS. F. PLATT,

Sec'y of Senate.

Said bills were severally referred to the committee on engrossment and enrollment.

RESOLUTIONS.

On motion of Mr. Purdy, amended by Mr. McLeod, the following resolution was adopted :

Resolved, That the committee on ways and means be instructed to allow the fireman of this House an additional compensation of fifty cents per day, and travelling fees to his place of residence, and the officers of this House like travelling fees, and to the messengers of this House an additional per diem allowance of fifty cents.

THIRD READING OF BILLS.

The "bill to alter, lay out and establish certain state roads therein mentioned," coming up for a third reading,

On motion of Mr. Lothrop, the bill was committed to the committee on towns and counties for revision.

Mr. Pratt moved the reconsideration of the vote taken yesterday, relative to the transportation of military companies, &c., over the railroads of this state, free of expense.

The motion to reconsider prevailed.

The question being taken on the passage of the resolution, it was lost as follows :

Yeas—Messrs. Andrews, Beach, Carpenter, Goodell, Godfroy, Hagaman, King, Lamb, Lawrence, Littlejohn, Livermore, McCamly, McLeod, O'Keefe, Olds, Patterson, Provost, Vaughn, Videto, Waldron, Speaker—21.

Nays—Messrs. Anderson, Axford, Barnard, Bush, Cady, J. L. Gage, Wm. Gage, Hixon, Howe, Lacey, Lothrop, Mottram, Poppleton, Pratt, Purdy, Rice, Rix, Schoolcraft, Seely, Snell, Snow, Vickery, Weld—23.

Mr. Lacey moved to take up the motion to reconsider the vote taken yesterday on ordering to a third reading the "bill to amend an act entitled an act to establish branches of the Farmers' and Mechanics' Bank of Michigan, and Bank of River Raisin, approved March 7th, 1834."

The motion to reconsider prevailed.

The question on ordering to a third reading the bill, prevailed as follows :

Yeas—Messrs. Anderson, Andrews, Axford, Cady, J. L. Gage, Goodell, Godfroy, Howe, Lacey, Lamb, Lothrop, Lawrence, Littlejohn, Livermore, McLeod, Moore, Mottram, Olds, Pratt, Provost, Purdy, Rix, Schoolcraft, Seely, Videto, Waldron, Weld—27.

Nays—Messrs. Barnard, Beach, Carpenter, Wm. Gage, Goodwin, Hagaman, Hixon, Lee, McCamly, O'Keeffe, Patterson, Poppleton, Rice, Smith, Snell, Snow, Vaughn, Speaker—18.

The bill was then read a third time and passed by the following vote :

Yeas—Messrs. Anderson, Andrews, Axford, Beach, Brown, Cady, J. L. Gage, Goodell, Godfroy, Johnson, Lacey, Lamb, Lothrop, Lawrence, Littlejohn, Livermore, McLeod, Moore, Mottram, Olds, Pratt, Provost, Purdy, Rix, Schoolcraft, Seely, Snow, Vaughn, Vickery, Videto, Waldron, Weld—32.

Nays—Messrs. Carpenter, Wm. Gage, Goodwin, Hagaman, Hixon, Lee, McCamly, O'Keeffe, Patterson, Poppleton, Rice, Rowland, Smith, Snell, Speaker—15.

Mr. Goodwin, from the committee on ways and means, reported the general appropriation bill, containing appropriations for a number of claims, and reported adverse to a claim of E. Barnard, and of A. McFarren.

The bill was read twice and referred to the committee of the whole, Mr. Livermore in the chair.

Having had the same under consideration for some time, the committee rose, reported progress, asked for and obtained leave to sit again.

The House then adjourned until half-past two o'clock this afternoon.

AFTERNOON SESSION.

Half-past 2 o'clock P. M.

The House met pursuant to adjournment.

REPORTS.

Mr. Littlejohn, from the committee on the judiciary, made the following report :

The committee on the judiciary, to whom was referred the joint Senate resolution in reference to an amendment of an act entitled an act to establish district courts in the counties of Wayne, Oakland, Washenaw and Jackson, and to repeal an act entitled an act to establish a district court within the county of Wayne, would report the same back with an amendment to strike out the word "resolved," and insert "Be it enacted."

The rules were suspended, the bill read a third time and passed.

The same committee made the following :

The committee on the judiciary, to whom was referred the Senate bill "to provide for the publication of the reports of the supreme court and of the court of chancery," would report the same back with amendments.

Said bill was referred to the committee of the whole.

In pursuance of previous notice, Mr. Lee introduced a "bill to revise part 3, title 3, chapter 8, of the revised statutes, and for other purposes," which was read twice and referred to the committee of the whole.

Mr. Littlejohn from the committee on the judiciary, to whom was referred the Senate bill, relative to crimes and the punishment thereof, report the same back to the House, with an amendment thereto, striking out the second section.

On motion of Mr. McLeod, the bill was taken up, read a third time, and passed.

Mr. Lothrop offered the following joint resolution:

Resolved by the Senate and House of Representatives of the State of Michigan, that the word "white" in Art. 1, sec. 2, of the constitution of the state of Michigan, ought not in the opinion of this legislature to be so construed as to exclude half-bloods of Indian descent from the exercise of the elective franchise.

The rules being suspended, the same was passed by the following vote:

Yeas—Messrs. Anderson, Andrews, Bach, Brown, Cady, Carpenter, J. L. Gage, William Gage, Godroy, Haganan, Howe, Johnson, King, Lamb, Lothrop, Lawrence, Lee, Littlejohn, Livermore, McCauley, McLeod, Murray, Patterson, Purdy, Schoolcraft, Videto, Weld, Speaker—28.

Nays—Messrs. Gaybell, Hixon, Oils, Poppleton, Provost, Seely, Smith, Snow, Walbran—0.

The committee on roads and bridges, reported the bill to alter, lay out and establish certain state roads therein named, as amended in accordance with the instructions, and the same was then passed.

The Speaker announced the following

MESSAGES FROM THE SENATE.

SENATE CHAMBER, }
March 3, 1843. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to return the "bill to amend an act entitled an act to establish branches of the Farmers' and Me-

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chanics' bank of Michigan, bank of Michigan, and bank of River Raisin, approved March 7, 1834," and to respectfully inform the House that the Senate have non-concurred in the substitute of the House thereto.

Also to return the "bill to divide the upper peninsula of Michigan into six counties," and to inform the House that the Senate have passed the same with amendments, in which they respectfully ask the concurrence of the House.

Also to inform the House that the Senate have concurred in the report of the committee of conference on the "bill to organize certain townships and for other purposes," and have adopted the amendment by them recommended.

JAS. E. PLATT,

Sec'y of Senate.

On motion of Mr. Lacey, a committee of conference on the part of the House on the disagreement to the first mentioned bill was appointed, consisting of Messrs. Lacey, Rice and Lothrop.

The House concurred in the amendments of the Senate to the second mentioned bill.

The House concurred in the report of the committee of conference on the last mentioned bill.

SENATE CHAMBER, }
March 8, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to respectfully inform the House that the Senate have appointed as a committee of conference on their part, on the disagreement between the two Houses in relation to the "bill relative to crimes and the punishment thereof," Senators Bradley, Shearer and Redfield.

JAS. E. PLATT,

Sec'y of Senate.

SENATE CHAMBER, }
March 8, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return the joint resolution relative to district courts, and to respectfully inform the House that the Senate have non-concurred in the House amendment thereto, and have appointed Senators Howell, Bradley and Bell a committee of conference on the disagreement, and respectfully ask the appointment of a like committee on the part of the House.

JAS. E. PLATT,
Sec'y Senate.

The Speaker appointed Messrs. McCamly, Littlejohn and Patterson, a committee on the part of the House.

The Speaker announced the following message from the Governor :

EXECUTIVE OFFICE, }
Detroit, March 8, 1843. }

To the Senate and House of Representatives :

I respectfully inform the Senate and House of Representatives, that I am prepared to submit a nomination for acting commissioner of internal improvement, and such other nominations as require the action of both branches of the legislature in joint convention whenever it shall suit their convenience.

JOHN S. BARRY.

On motion of Mr. Lothrop, the rules were suspended and it was Resolved, The Senate concurring hercin, that the two Houses will meet in joint convention, in the hall of the House of Representatives, at 4 o'clock this afternoon, to receive any nominations that the Governor may please make.

The House again resumed the consideration of the general appropriation bill in committee of the whole, Mr. Livermore in the chair.

Having gone through with the bill, the committee rose, and reported the bill to the House with the amendments, in which they asked the concurrence of the House.

The bill was laid upon the table in order to consider the following

MESSAGE FROM THE SENATE.

SENATE CHAMBER, }
March 8, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit a “joint resolution suspending 10th joint rule of this legislature,” which the Senate have adopted and respectfully ask the concurrence of the House therein.

Also to inform the House that the Senate have appointed Senators Bell, Redfield and Green as a committee of conference on the disagreement between the two Houses on the “bill to authorize the establishment of an agency at Niles, by the Farmers’ and Mechanics’ bank of Michigan,” and also that they have concurred in the House resolution fixing an hour for the meeting of the two Houses in convention.

JAS. E. PLATT,
Sec’y of Senate.

The joint resolution, “suspending the 10th joint rule,” was adopted by the House.

On motion of Mr. Lothrop, Messrs Lothrop and McLeod were appointed a committee to wait upon the Senate and inform that body that the House were ready to receive them in joint convention.

Senators Howell and Cusi were announced as a committee, informing that the Senate were prepared to meet in joint convention.

JOINT CONVENTION.

The Senators and Representatives having convened in the hall of the House of Representatives,

The secretary of the Senate proceeded to a call of the Senators, and the clerk of the House of Representatives to the call of the Representatives, when the members were all present except Mr. Younglove of the House, absent on leave.

On motion of Senator Howell, the president announced Senator Howell and Mr. Purdy, as a committee to wait upon the Governor and inform him that the two Houses had met in joint convention, and were in readiness to receive any communication he might be pleased to transmit.

The following message from the Governor, by his private secretary, Mr. Welch, was then announced by the President :

EXECUTIVE OFFICE. }
Detroit, March 8, 1843. }

To the Senate and House of Representatives in joint convention :

I hereby nominate Thomas W. Wells, of Calhoun, to be acting commissioner and president of the board of internal improvement for the legal term to commence on the 8th of April next, when his present term will expire.

JOHN S. BARRY.

Whereupon, on motion of Senator Bell, the nomination of Thomas W. Wells was advised and consented to by yeas and nays, as follows :

Members of the Senate.

Yeas—Messrs. Bell, Bradley, Burch, Compton, Cust, Granger, Gray, Green, Greenly, Howell, Moody, Redfield, Shearer, Starkey, Wakefield, Warner, Wilson, Wixom—18.

Nays—00.

Members of the House.

Yeas—Messrs. Anderson, Andrews, Axford, Barnard, Beach, Brown, Bush, Cady, Carpenter, J. L. Gage, Wm. Gage, Goodell, Guldroy, Goodwin, Hagaman, Hixon, Howe, Johnson, King, Lacey, Lothrop, Lawrence, Lee, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, Murray, O'Keeffe, Olds, Poppleton, Pratt, Purdy, Rice, Rix, Rowland, Schoolcraft, Seely, Smith, Snell, Snow, Vaughn, Vickery, Videto, Waldron, Weld, Speaker—49.

Nays—Messrs. Lamb, Provost—2.

And the President announced Thomas W. Wells as being duly confirmed as acting commissioner and president of the board of internal improvement.

The President then announced the following additional message from the Governor :

EXECUTIVE OFFICE,
Detroit, March 8, 1848.

To the Senate and House of Representatives,
In joint convention assembled :

I heroby nominate Oliver C. Comstock, sen'r. of Washtenaw, to be superintendent of public instruction for the constitutional term, to commence on the 19th day of April next, when the term of the present incumbent will expire.

JOHN S. BARRY.

Which said nomination was concurred in by yeas and nays, as follows :

Members of the Senate.

Yeas—Messrs. Bell, Bradley, Burch, Compton, Cust, Granger, Gray, Green, Greenly, Howell, Moody, Redfield, Shearer, Starkey, Wakefield, Warner, Wilson. Wixom—18.

Nays—00.

Members of the House.

Yeas—Messrs. Anderson, Andrews, Axford, Barnard, Beach, Brown, Bush, Cady, Carpenter, J. L. Gage, Wm. Gage, Goodell, Godfrey, Goodwin, Hagaman, Hixon, Johnson, King, Lothrop, Lawrence, Lee, Littlejohn, Livermore, McCamly, Moore, Mottram, Murray, Olds, Poppleton, Pratt, Purdy, Rice, Rix, Seely, Snell, Snow, Vaughn, Videto, Weld, Speaker—40.

Nays—Messrs. Howe, Lacey, Lamb, McLeod, Provost, Schoolcraft, Vickery, Waldron—8.

And the President announced Oliver C. Comstock, sen'r., as being duly confirmed as superintendent of public instruction, when,

On motion of Senator Greenly, the convention adjourned sine die.

The consideration of the appropriation bill was resumed.

The amendments of the committee of the whole were adopted in gross.

Mr. Lothrop moved to strike out "E. J. Roberts," and insert "William C. Pease," which motion was lost by the following vote:

Yeas—Messrs. Barnard, Johnson, Lothrop, Mottram, Weld—5.

Nays—Messrs. Anderson, Andrews, Beach, Brown, Bush, Cady, Carpenter, J. L. Gage, Wm. Gage, Goodell, Godfrey, Goodwin, Hagaman, Howe, King, Lamb, Lawrence, Lee, Littlejohn, Livermore, McCamly, McLeod, Moore, Olds, Patterson, Poppleton, Pratt, Provost, Purdy, Rice, Rix, Schoolcraft, Seely, Smith, Snell, Snow, Vaughn, Vickery, Videto, Waldron, Speaker—41.

"E. J. Roberts" was inserted in the blank remaining, and \$100 was inserted as compensation for superintending, &c. the printing of the journals, &c.

Mr. Lothrop moved to strike out the section entirely that appropriates \$150 for recording, &c., which motion did not prevail.

Mr. Littlejohn offered an amendment, authorizing the board of state auditors to settle with E. B. Harrington, for services as reporter, which was adopted.

Mr. Goodwin presented the memorial of Ellis & Briggs, which was read.

Mr. Goodwin offered an amendment authorizing the auditor general to pay the claims of Ellis & Briggs to the amount of \$1000, during the recess.

The amendment passed, amended by Mr. Bush, appropriating ~~\$2000~~ instead of \$1000.

On motion of Mr. Bush, there was added one hundred and sixty dollars for eighty daily papers through the session for Bagg & Harmon.

Mr. Lothrop moved to strike out from this, \$160, and insert \$140, which motion did not prevail.

The bill was then read a third time and passed.

The committee of conference appointed by both Houses on the disagreement concerning the "bill to authorize the Farmers' and Mechanics' bank of Michigan to have an agency at Niles, in Berrien county," have agreed to the following amendments, and recommend their adoption :

Strike out the 8th and 9th lines in 1st section.

Add the following to section 1 :

Provided, The agency hereby authorized, shall be subject to all the restrictions and requirements imposed in the charter of the Farmers' and Mechanics' bank of Michigan, and the branch at St. Joseph, and the said bank and branch shall be responsible for all the debts of the said agency, and for the official conduct of its officers ;

and the said agency shall not make or issue any notes or other evidences of debt of its own.

The question on concurring, prevailed as follows :

Yeas—Messrs. Anderson, Andrews, Axford, Beach, Cady, J. L. Gage, Goodell, Godfroy, Howe, Johnson, King, Lacey, Lamb, Lathrop, Lawrence, Littlejohn, Livermore, McCamly, McLeod, Moore, Mottram, Murray, Olds, Provost, Rix, Schoolcraft, Seely, Snow, Vickery, Videto, Waldron—31.

Nays—Messrs. Barnard, Bush, Carpenter, Goodwin, Hixon, Lee, Patterson, Poppleton, Pratt, Rice, Snell, Speaker—12.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, }
March 8, 1843. }

To the Speaker of the House of Representatives :

Sir—I am instructed by the Senate to transmit a "bill for the relief of certain settlers on the university lands in the county of Oakland."

Also, a "bill to amend an act entitled an act to incorporate the village of Jackson," which the Senate have passed, and respectfully ask the concurrence of the House therein.

Also, to return, the "bill relative to crimes and the punishment thereof," and to respectfully inform the House that the Senate have non-concurred in the House amendment thereto.

JAS. E. PLATT,
Sec'y of Senate.

The first mentioned bill was read twice and referred to the committee on university and school lands.

2d. The rule was suspended and the bill referred to the committee of the whole.

3d. The House insisted on their amendment, and Messrs. McLeod, Howe and Rowland, were appointed a committee of conference on the part of the House.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, }
March 8, 1843. }

To the Speaker, of the House of Representatives :

Ser—I am instructed by the Senate to transmit a "bill to amend an act entitled an act to incorporate the stockholders of the Michigan insurance company of Detroit, approved March 7, 1834, and for other purposes," which the Senate have passed, and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,

Sec'y of Senate.

Said bill was referred to the committee on banks and incorporations.

Mr. Lamb from the committee on ways and means, made the following report :

The committee of ways and means have had under consideration the bill for the relief of Kent county, and have from the considera-

tion they have been enabled to give the subject, come to the conclusion that the evidence in the case submitted is not sufficient to warrant the legislature in granting the relief asked for, and report the same back to the House and recommend that it do not pass.

Mr. Pratt offered the following

Joint resolution relative to certain lands.

Resolved, by the Senate and House of Representatives of the state of Michigan, That section six of an act entitled "an act to reduce the price of university and school lands and for other purposes," approved Feb. 15, A. D. 1842, be so construed as to apply to the N. E. quarter of the S. E. quarter and the S. E. quarter of S. E. quarter of section 16, town 1, N. Range 10 E., as fully as if said lands had been sold prior to the first day of January A. D. 1841.

A motion to suspend the rules was lost, and the same was laid on the table.

Mr. Lothrop from the committee on enrolment reported as correctly enrolled and as this day presented to the Governor a "bill making the record of state prison offences filed in certain offices evidence in certain cases."

On motion of Mr. Lamb, the committee of the whole were discharged from the further consideration of the "bill authorizing the construction of a wagon road on the line of the northern rail road."

The amendment of the committee of internal improvement, was concurred in.

Mr. Smith moved to strike out the fifth section, which motion did not prevail.

On motion of Mr. Goodwin, the House adjourned until 7 o'clock.

EVENING SESSION.

Seven o'clock P. M.

The House met pursuant to a adjournment.

A quorum present.

The consideration of the bill authorizing the construction of a wagon road was resumed.

The blanks in section 16 were filled as follows :

1st. With Daniel K. Harrington.

2nd. With Jonathan C. White.

3rd. With Charles C. Hascall.

4th. With Alexander McArthur.

5th. With Cornelius Potter.

6th. With Abram S. Wadsworth.

The rules were suspended, the bill read a third time and passed.

The "bill to change the name of Peter J. Lee" was taken up, read a third time and passed.

Mr. Provost from the majority of the committee on banks and incorporations to whom was referred a Senate bill to amend an act entitled an act to incorporate the Michigan insurance company, approved March 7, 1834, have had the same under consideration and have instructed their chairman to report the same back to the House with amendments and recommended its passage.

Amendments proposed by the committee on banks and incorporations.

Strike out the word "presence" in the 11th and 12th lines of section 1, and insert the word "absence."

Strike out the amendment made to the 14th section, and insert in the place thereof as follows:

"Also amend section fourteen by striking out the words "at the time of its dissolution" and also the words "to the extent of their respective shares and no further."

In section 4, line 7, after the word "them" insert "or either of them," and in the 13th line strike out "any stockholder."

MESSAGE FROM THE SENATE.

SENATE CHAMBER, }
March 8, 1843. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to return the "bill to authorize the Farmers' and Mechanics' bank to have an agency at Niles," and to inform the House that the Senate have concurred therein.

JAMES E. PLATT,
Sec'y of Senate.

And the said bill was ordered enrolled.

The "bill to incorporate the Oakland County mutual fire insurance company, was taken up, read a third time and passed by the following vote:

Yeas—Messrs. Anderson, Andrews, Axford, Barnard, Beach, Brown, Bush, Cady, Carpenter, J. L. Gage, Wm. Gage, Hagaman, Howe, Johnson, King, Lacey, Lamb, Lawrence, Lee, Littlejohn,

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The previous question was then demanded and sustained:

Mr. Pratt's amendment was lost, and the question being on the amendment of the committee, it was lost by the following vote :

Yeas—Messrs. Anderson, Andrews, Bush, Goodwin, Hixon, Littlejohn, Livermore, Olds, Poppleton, Pratt, Seely, Snell, Vaughn, Videto, Speaker—15.

Nays—Messrs. Carpenter, J. L. Gage, William Gage, Goodell, Godfrey, Howe, Johnson, Lacey, Lothrop, McCamly, McLeod, Murray, Rice, Rix, Schoolcraft, Smith, Snow, Vickery, Waldron, Weld—20.

All after the enacting clause of the Senate bill was stricken out, and the House bill inserted, and the bill was read a third time and passed.

Mr. Livermore offered the following joint resolution, which was laid on the table :

Resolved by the Senate and House of Representatives of the state of Michigan, That the several sums appropriated in section second of an act making appropriation for expenses incurred prior to the first of January, 1842, and made payable out of any moneys appropriated or to be appropriated for the state prison; be made payable out of any moneys in the state treasury to the credit of the general fund, not otherwise appropriated.

Mr. McLeod offered a joint resolution relative to the distribution of the session laws, journals, documents, &c. for 1843, which, the rules being suspended, was adopted.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, }
March 3, 1843. }

To the Speaker of the House of Representatives:

SIR—I am instructed by the Senate to inform the House that the

Senate have non-concurred in the House amendment to the Senate amendments to the general appropriation bill, and insist upon certain substitutes therein adopted by the Senate, and non-concurred in by the House.

JAS. E. PLATT,

Sec'y of Senate.

House insists and appoint Messrs. Johnson, Goodwin and Snow a committee of conference.

Mr. Goodwin, from the committee on ways and means, reported the "bill making appropriations for the year 1843."

The House went into committee of the whole on said bill, Mr. Rice in the chair.

Having gone through with the same, the committee rose and reported the bill with the amendments to the House, which were adopted in gross.

The bill was then read a third time and passed.

On motion of Mr. Pratt, there was a call of the House, and there were eleven absent.

The Speaker asked for and obtained leave of absence for Mr. Brown.

Further proceedings under the call were dispensed with,

And the House took a recess for one hour.

When the House was again called to order, the Speaker announced the following

MESSAGLS FROM THE SENATE.

SENATE CHAMBER, }
March 5, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to respectfully inform the

House that the Senate have appointed Senators Howell, Burch and Wilson, as a committee of conference on their part, on the disagreement between the two Houses on the general appropriation bill.

JAS. E. PLATT,
Sec'y of Senate.

SENATE CHAMBER, }
March 8, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return the “joint resolution relative to the distribution of the session laws, journals, documents, &c.” and to respectfully inform the House that the Senate have concurred therein.

JAS. E. PLATT,
Sec'y of Senate.

Said joint resolution was ordered to be enrolled.

SENATE CHAMBER, }
March 8, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit a “joint resolution amending chapters 1st and 3d, of part 3, title 1st of the revised statutes,” which the Senate have adopted, and respectfully ask the concurrence of the House therein,

JAS. E. PLATT,
Sec'y. of Senate.

The rules were suspended, and the resolution amended and adopted.

Mr. Schoolcraft asked for and obtained leave of absence for himself the remainder of the session.

The report of the committee of conference was submitted : they recommended that the House recede from striking out the following claims : of C. M. Maynard, of A. M. Gould, of S. Y. At Lee, and of William S. Wilcox.

The House still insisted on their amendments.

The House concurred in striking out the amendment to claim of Charles A. Mack.

The committee recommend that the House strike out the claim of Morgan L. Bates.

On motion of Mr. Lothrop, the House took a recess until nine o'clock.

MORNING, March 9, 1843.

The Speaker having resumed the chair, the following message was announced from the Senate ;

SENATE CHAMBER, }
March 8, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return the "bill making appropriations for the current expenses of the government for 1843," and to inform the House that the Senate have passed the same with

amendments in which they respectfully ask the concurrence of the House.

JAS. E. PLATT,

Sec'y of Senate.

Whereupon the House refused to concur in the amendment of the Senate striking out the section in relation to the state geologist, and also in relation to the second amendment, concurred in the third, insisted in relation to the fourth and amended the fifth, when

The following message from the Governor was announced :

EXECUTIVE OFFICE, }
Detroit, March 9, 1843. }

To the House of Representatives :

I have this day approved, signed and deposited in the office of the secretary of state, the following acts, viz :

"An act to divide the upper peninsula into six counties, and to define the boundaries of the same."

"An act to authorize Samuel H. Farnsworth to build and maintain a dam across the north branch of the Menominee River."

"An act to amend an act for incorporating the borough of Michilimackinac."

"An act to authorize the erection of certain dams in Ingham and other counties of this state."

"Also, a 'joint resolution relative to the distribution of the session laws, journals, documents, &c.'"

"An act authorizing the construction of a waggon road on the line of the northern rail road."

"An act to organize certain townships and for other purposes."

"An act to amend an act to provide for the voluntary dissolution of corporations, and to prescribe the duties of receivers in chancery in certain cases and for other purposes, approved April 15, 1839.

"Joint resolution in relation to delinquent tax bonds."

JOHN S. BARRY.

The following message from the Senate was announced and the joint resolution ordered to be enrolled ;

SENATE CHAMBER, }
March 9, 1843. }

To the Speaker of the House of Representatives :

Sir—I am instructed by the Senate to return the joint resolution relative to adjournment and to respectfully inform the House that the Senate have concurred therein.

JAS. E. PLATT,
Sec'y Senate.

Mr. McLeod called up his joint resolution relative to the holding of the supreme and circuit courts, and the rules being suspended the same was passed.

Mr. Pratt moved that the House go into committee of the whole on the bill for the relief of settlers on university and other lands, which motion was lost.

Mr. Hagaman moved the consideration of his joint resolution to amend the constitution by striking out the word "white" and the question being taken by yeas and nays was decided as follows :

Yeas—Messrs. Axford, Brown, Cady, Carpenter, J. L. Gage, Goodwin, Hagaman, Hixon, Howe, King, Lothrop, McLeod, Moore, Olds, Patterson, Provost, Rix, Smith, Vickery, Waldron, Speaker—23.

Nays—Messrs. Anderson, Andrews, Barnard, Beach, Wm. Gage, Goodell, Godfrey, Lee, Littlejohn, Livermore, McCamly, Mottram, Murray, Poppleton, Pratt, Rice, Seely, Snell, Snow, Vaughn—20.

On motion of Mr. Littlejohn, there was a call of the House, when there were seven members absent.

Mr. Goodwin asked for and obtained leave of absence for Mr. Purdy.

The sergeant-at-arms having been directed to bring in absentees, and further proceedings under the call suspended,

The question on the passage of the resolution was taken by yeas and nays, and the same was lost as follows :

Yeas—Messrs. Cady, Carpenter, Hagaman, Hixon, Howe, King, Lamb, Lothrop, Lawrence, Livermore, McLeod, Patterson, Pratt, Seely, Smith, Vaughn, Veto, Waldron, Speaker—19.

Nays—Messrs. Anderson, Andrews, Axford, Barnard, Beach, J. L. Gage, Wm. Gage, Goodell, Lacey, Lee, Littlejohn, McCamly, Moore, Mottram, Murray, Olds, Poppleton, Provost, Rice, Snell, Snow, Weld—22.

Mr. Livermore called up the joint resolution relative to appropriations for the state prison, which,

On motion of Mr. Goodwin, was amended by inserting the words "to the credit of the general fund," and the resolution was adopted.

On motion of Mr. Littlejohn, the "bill to prohibit the recovery of damages for trespass by cattle," was taken up, and the last section being stricken out,

Mr. Lacey moved to insert the word "earth," after the word "wall," which motion prevailed.

Mr. Lothrop offered the following proviso, which was lost :

Provided further, that such horses, cattle, sheep and hogs are per-

mitted to run at large by day by-law of the township in which the damage is done.

The rules were then suspended and the bill passed.

Mr. Rix called up the "bill authorizing the judge of probate of the county of St Clair, to grant license to sell certain real estate," and the rules being suspended, the bill was read a third time and passed.

On motion of Mr. Lothrop, the House resolved itself into committee of the whole on the general order, Mr. Lothrop in the chair.

The "bill for the relief of certain settlers on university lands in the county of Oakland," being some time under consideration, the committee rose and reported progress, asked for and obtained leave to sit again:

The Speaker announced the following message from the Governor :

EXECUTIVE OFFICE. }
Detroit, March 8th, 1843. }

To the House of Representatives :

I have this day approved, signed, and deposited in the office of the secretary of state, the following acts, viz :

"An act to provide for the transfer of real estate on execution and on mortgage sales."

"An act to authorize the Farmers' and Mechanics' bank of Michigan to have an agency at Niles, in Berrien county."

JOHN S. BARRY.

The Speaker also announced the following message from the Senate :

SENATE CHAMBER, }
March 9, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to transmit a "joint resolution in relation to the amendment of the constitution," which the Senate have adopted, and respectfully ask the concurrence of the House therein.

Also, to return the "joint resolution in relation to the delinquent tax bonds," and to respectfully inform the House that the Senate have concurred therein.

Also, to return the "bill making appropriations for the current expenses of the government for 1843," and to respectfully inform the House that the Senate have received from their amendment thereto in which the House non-concurred, and have concurred in the House amendment to the last Senate amendment.

JAS. E. PLATT,

Sec'y of Senate.

And the second named joint resolution, and the "bill making appropriations for the current expenses of the government for the year 1843," were ordered to be enrolled.

The committee of the whole then resumed the consideration of the "bill for the relief of certain settlers on university lands in the county of Oakland," and going through the same, had under consideration

The "bill for the relief of John Parkinson," when they rose and reported the same back to the House, the former with and the latter without amendments.

The House having concurred in the several amendments to the first named bill;

Mr. Rice moved to strike out all after the enacting clause, which motion was lost by yeas and nays as follows :

Yeas—Messrs. Anderson, Andrews, Barnard, Goodell, Hixon, McCamly, Moore, Murray, Rice, Rowland, Snow, Speaker—12.

Nays—Messrs. Axford, Beach, Bush, Carpenter, J. L. Gage, Wm. Gage, Godfroy, Goodwin, Hagaman, Johnson, Lacey, Lamb, Lothrop, Lawrence, Lee, Littlejohn, Livermore, McLeod, Mottram, O'Keeffe, Olds, Patterson, Poppleton, Pratt, Provost, Rix, Seely, Snell, Vaughn, Vickery, Videto, Waldron, Weld—23.

The rules were then suspended and the bill passed by the following vote :

Yeas—Messrs. Axford, Beach, Carpenter, J. L. Gage, William Gage, Godfroy, Goodwin, Hagaman, Johnson, King, Lacey, Lamb, Lothrop, Lawrence, Lee, Littlejohn, Livermore, McLeod, Mottram, O'Keeffe, Olds, Patterson, Poppleton, Pratt, Provost, Rix, Seely, Snell, Vaughn, Vickery, Videto, Waldron, Weld—33.

Nays—Messrs. Anderson, Andrews, Barnard, Bush, Goodell, Hixon, McCamly, Moore, Murray, Rice, Rowland, Snow, Speaker—13.

The "bill for the relief of John Parkerson," being under consideration, the rules were suspended, the same read a third time and passed, as follows :

Yeas—Messrs. Axford, Beach, Carpenter, J. L. Gage, Godfroy, Goodwin, Hagaman, Lacey, Lamb, Lawrence, Littlejohn, Livermore, McCamly, McLeod, O'Keeffe, Olds, Patterson, Poppleton, Pratt, Provost, Rix, Seely, Vaughn, Vickery, Videto—25.

Nays—Messrs. Anderson, Andrews, Barnard, Bush, Cady, Goodell, Hixon, Howe, King, Murray, Rice, Smith, Snell, Snow, Speaker—15.

On motion of Mr. Bush, the joint resolution amending the constitution was considered, the rules suspended, and the same adopted.

Mr. Johnson called up the bill entitled "an act amendatory of an act relative to highway taxes, approved March 20, 1840."

Mr. Hagaman moved to strike out the words "one half day," and inserting "one day."

Mr. Murray moved to amend by inserting "not to exceed one day," which being accepted by Mr. Hagaman, the question was put and the motion lost.

Mr. Lamb moved to strike out all after the enacting clause, when, on motion, the House took a recess until half-past 2 o'clock.

AFTERNOON.

Half-past 2 o'clock P. M.

Mr. Lothrop, from the committee on enrollment and engrossment, reported as correctly enrolled the "bill authorizing the construction of a wagon road on the Northern railroad," and that he had this day presented the same to the Governor for his approval.

The consideration of the bill relative to highway taxes, being again under consideration,

Mr. Lamb's motion was laid on the table, and

On motion of Mr. Bush, the further consideration of the bill was indefinitely postponed.

The Speaker announced the following message from the Senate :

SENATE CHAMBER, }
March 9, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to respectfully inform the House that the Senate do insist upon their disagreement with the House on the bill making certain appropriations, and have appointed as a committee of conference thereon, Senators Cust, Wilson and

Compton, and respectfully ask the appointment of a like committee on the part of the House.

JAS. E. PLATT,

Sec'y of Senate.

Whereupon, the Speaker announced as the committee on the part of the House, Messrs. Bash, Snow, and McLeod.

The "bill to authorize the board of supervisors of the town of Bristol, Lapeer county, to assess certain taxes," being under consideration,

Leave was granted to Mr. Carpenter to withdraw certain papers, and also to Mr. Johnson to withdraw certain papers in relation to the county of Kent, when

Mr. Goodwin offered the following amendment to the bill, which was lost :

The taxes levied on all university and school lands, if returned to the auditor general's office, shall be collected by selling the interest in the same owned by the purchasers or occupants, and the tax shall be a lien on such interest from the first day of November of the year for which the tax is imposed.

And the question being on ordering said bill to a third reading, the same was lost.

The "bill making appropriations for contingent expenses for 1843," being announced for a third reading, and the question being on filling the blank for the salary of the adjutant general with the sum of \$400, the same prevailed.

On the report of the committee of conference, the House recessed from their action on accounts of Messrs. At Lee and Wilcox, and insisted upon those of A. M. Gould and Maynard.

On motion of Mr. Littlejohn, the House took up the "bill to provide for the equitable settlement of the estates of deceased persons," and the rules were suspended and the bill passed.

SENATE CHAMBER, }
March 9, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return the joint resolution in relation to holding courts, &c. and to inform the House that the Senate have concurred therein with amendments, in which they respectfully ask the concurrence of the House.

Also, to return a "bill to alter, lay out and establish certain state roads therein mentioned," and to inform the House that the Senate have passed the same with amendments, in which they respectfully ask the concurrence of the House.

Also, to return the "joint resolution in relation to the amendment of the constitution," and to respectfully inform the House that the Senate have concurred therein.

Also, to transmit a "joint resolution authorizing the chancellor to hold his courts in the capitol," which the Senate have adopted, and respectfully ask the concurrence of the House therein.

Also, to transmit a "joint resolution relative to the presiding judge of district courts," which the Senate have adopted, and respectfully ask the concurrence of the House therein.

JAS. E. PLATT,
Sec'y of Senate.

And the House concurred in the amendments to the first named joint resolution ;

Non-concurred in the amendments to the "bill to alter, lay out, and establish certain state roads therein mentioned," and appointed therein Messrs. McCamly, Moore and Waldron, a committee of conference ;

Order: e "joint resolution in relation to the amendment of the constitution," to be enrolled;

Indefinitely postponed the "joint resolution authorizing the chancellor to hold his courts in the capitol," and

Concurred in the "joint resolution relative to the presiding judge of district courts."

Mr. McLeod, from the committee of conference on the "bill relative to crimes and the punishment thereof," reported that they recommended that the House of Representatives recede from their amendment, and pass the bill as it passed the Senate.

Whereupon the House receded from their amendment and adopted the report.

The following message was announced from the Senate :

SENATE CHAMBER, }
March 2, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return the "joint resolution relative to claims on state prison fund," and to respectfully inform the House that the Senate have concurred therein.

Also, to transmit a "bill to provide for the issuing and return of venire, the payment of jurors, the appointment of circuit court commissioners and for other purposes," which the Senate have passed, and respectfully ask the concurrence of the House therein.

JAMES E. PLATT,
Sec'y of Senate.

And the House ordered the joint resolution enrolled, and the bill was referred to the committee of the whole.

The House then resolved itself into committee of the whole on the "bill to provide for the issuing and return of venires and the payment of jurors," Mr. Johnson in the chair.

After some time spent thereon, the committee rose and reported the same back to the House with amendments, which were concurred in, when

Mr. Lothrop moved to strike out the words "four dollars and fifty cents," and insert "six dollars," which motion was lost.

Mr. Rowland, to strike out and insert "five," which did not prevail.

On motion of Mr. Lee, the words "when the jury is empannelled," was inserted, the rules were suspended, and the bill passed.

The following message was announced from the Senate :

SENATE CHAMBER, }
March 9, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to respectfully inform the House that Senators Bradley, Shearer and Burch have been appointed a committee of conference on the disagreement between the two Houses on the bill to lay out and establish a certain state road.

JAS. E. PLATT,
Sec'y of Senate.

On motion of Mr. Rowland,

Resolved, That Mr. Combs, the keeper of the capitol, be required to take in charge the candle sticks and other articles of furniture used in the legislative halls, and that he be advised of this resolution.

The following message was announced from the Senate :

SENATE CHAMBER, }
March 9, 1843. §

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return to the House “an act to incorporate the Oakland county mutual fire insurance company,” and respectfully inform the House that the Senate have concurred therein.

Also, to return the “bill making appropriations for payment of expenses for 1843,” and to respectfully inform the House that the Senate have concurred in the report of the committee of conference thereon, and have receded from their disagreement with the House on the following clauses: To W. M. Maynard, A. M. Gould, T. M. Ladd, Aldrich G. Davis and H. N. Strong.

Also, to return joint resolution relative to rooms of chancellor, and to respectfully inform the House that the Senate have concurred therein.

JAS. E. PLATT,
Sec’y of Senate.

The following message was also announced from the Senate :

SENATE CHAMBER, }
March 9, 1843. §

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return the “bill to alter, lay out and establish certain state roads therein mentioned,” and to

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respectfully inform the House that the Senate have concurred in the report of the committee of conference thereon.

Also, to return the "bill to change the name of P. G. Lee," and to respectfully inform the House that the Senate have concurred therein.

JAS. E. PLATT,

Sec'y of Senate.

Mr. McCamly, from the committee of conference on the "bill to alter, lay out and establish certain state roads," made a report thereon which was concurred in by the House.

The House then took a recess until 7 o'clock this evening.

Seven o'clock P. M.

The House was called to order by Mr. Lothrop, and there being a quorum present,

The following message was announced from the Senate :

SENATE CHAMBER, }
March 9, 1843: }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to inform the House that the Senate have concurred in the House amendments to the "bill to provide for the issuing and return of venire, the payment of jurors, the appointment of circuit court commissioners and for other purposes," and have ordered the same to be enrolled.

JAS. E. PLATT,

Sec'y of Senate.

The following messages were announced from the Governor :

EXECUTIVE OFFICE. }
Detroit, March 9, 1843. }

To the House of Representatives :

I have this day approved, signed and deposited in the office of the secretary of state,

"An act making appropriations for the current expenses of the government for 1843."

"A joint resolution relative to the payment of certain claims from the general fund."

"Joint resolution relative to rooms of chancellor."

"Joint resolution for amending the constitution of the state of Michigan."

"An act to amend an act entitled an act concerning the supreme court."

"An act to change the name of Peter J. Lee."

JOHN S. BARRY.

EXECUTIVE OFFICE. }
Detroit, March 9, 1843. }

To the House of Representatives :

I have this day approved, signed and deposited in the office of the secretary of state,

"An act making appropriations for the payment of the expenses authorized for the year eighteen hundred and forty three."

"An act to alter, lay out and establish certain state roads therein mentioned."

"An act to incorporate the O'kian' county mutual fire insurance company."

JOHN S. BARRY.

Mr. Littlejohn offered a joint resolution relative to the printing of the reports of the court of chancery, and the rules were suspended and the same taken up for consideration.

Senators Wakefield and Gray, were announced as a committee from the Senate, informing the House that the Senate having no further business before them, they were now ready to adjourn.

On motion of Mr. Goodwin, Messrs. Goodwin and Livermore were appointed a committee to wait upon the Senate and inform that body that the House having no further business before them, were ready to adjourn.

On motion of Mr. Lothrop,

Resolved, (the Senate concurring herein,) that a joint committee of two from the Senate and two from the House of Representatives, be appointed to wait upon the Governor and inform him that the two Houses have finished the business that is before them and ask if he has any further communication to make to the legislature at its present session.

MESSAGE FROM THE SENATE.

SENATE CHAMBER, }
March 9, 1843. }

To the Speaker of the House of Representatives :

SIR—I am instructed by the Senate to return the “joint resolution relative to adjournment,” and respectfully inform the House that the Senate have concurred therein, and have appointed Senators Green and Bradley a committee to wait upon the Governor and to inform him that the two Houses have finished the business that is before them,

and to ask if he has any further communication to make to the legislature at its present session.

JAS. E. PLATT,

Sec'y of Senate.

And Messrs. Lamb and Olds were appointed the committee on the part of the House.

Mr. Waldron offered the following resolution which was unanimously adopted :

Resolved, That the thanks of this house are due to the honorable Robert McClelland for the impartiality, ability and decision, with which he has discharged the duties of Speaker during the session.

Mr. McCleod offered the following which was unanimously adopted :

Resolved, That the thanks of this House be presented to E. J. Roberts, Esq., clerk of this House, for the able manner in which he has discharged his duties.

The Speaker having resumed the chair, addressed the House as follows :

In presiding over your deliberations, I have pursued strictly the course I marked out for myself at the commencement of the session, and I am gratified to learn that it has met with your approbation. Your duties have been most faithfully discharged, and your attention to business deserves the highest commendation.

Candor compels me to acknowledge my indebtedness to the clerk for his aid, and for the prompt and efficient manner in which he has performed his duty.

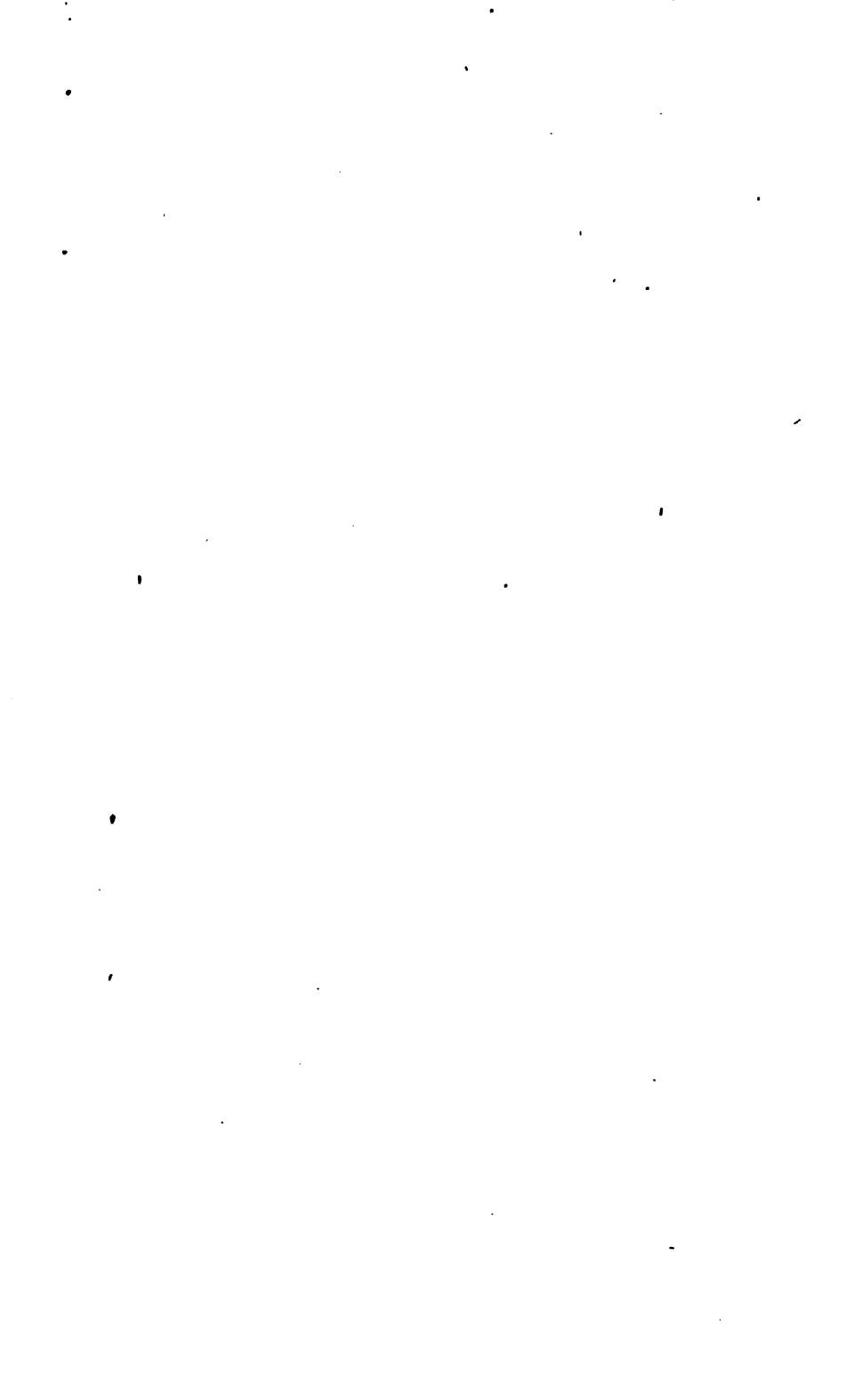
Although a great diversity of interests threatened to mar the good feeling that should exist among us, yet I am happy to say, we part friends.

While I rejoice at the prospect of your speedily returning to your homes, yet I deeply regret parting with those to whom I have become so strongly attached.

But the time has arrived when we must separate, and sever the ties that have bound us together—and with the fond hope therefore, that your services may be duly appreciated by your constituents, and with the fervent desire that you may always enjoy prosperity and happiness, I bid you all farewell.

The committees respectfully appointed to wait upon the Governor and the Senate having made their respective reports,

On motion of Mr. Goodwin, the Speaker declared the House as adjourned *sine die*.



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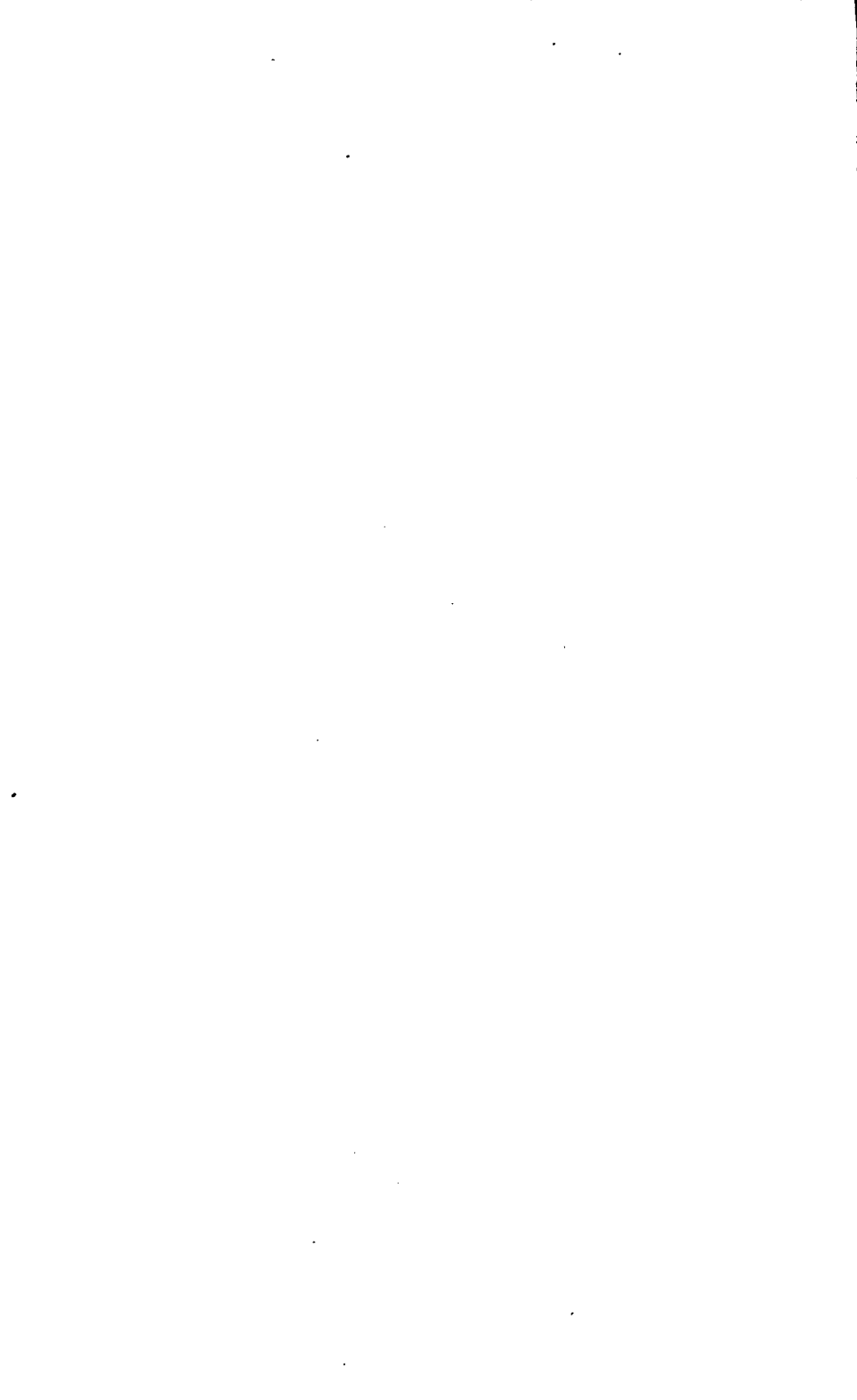
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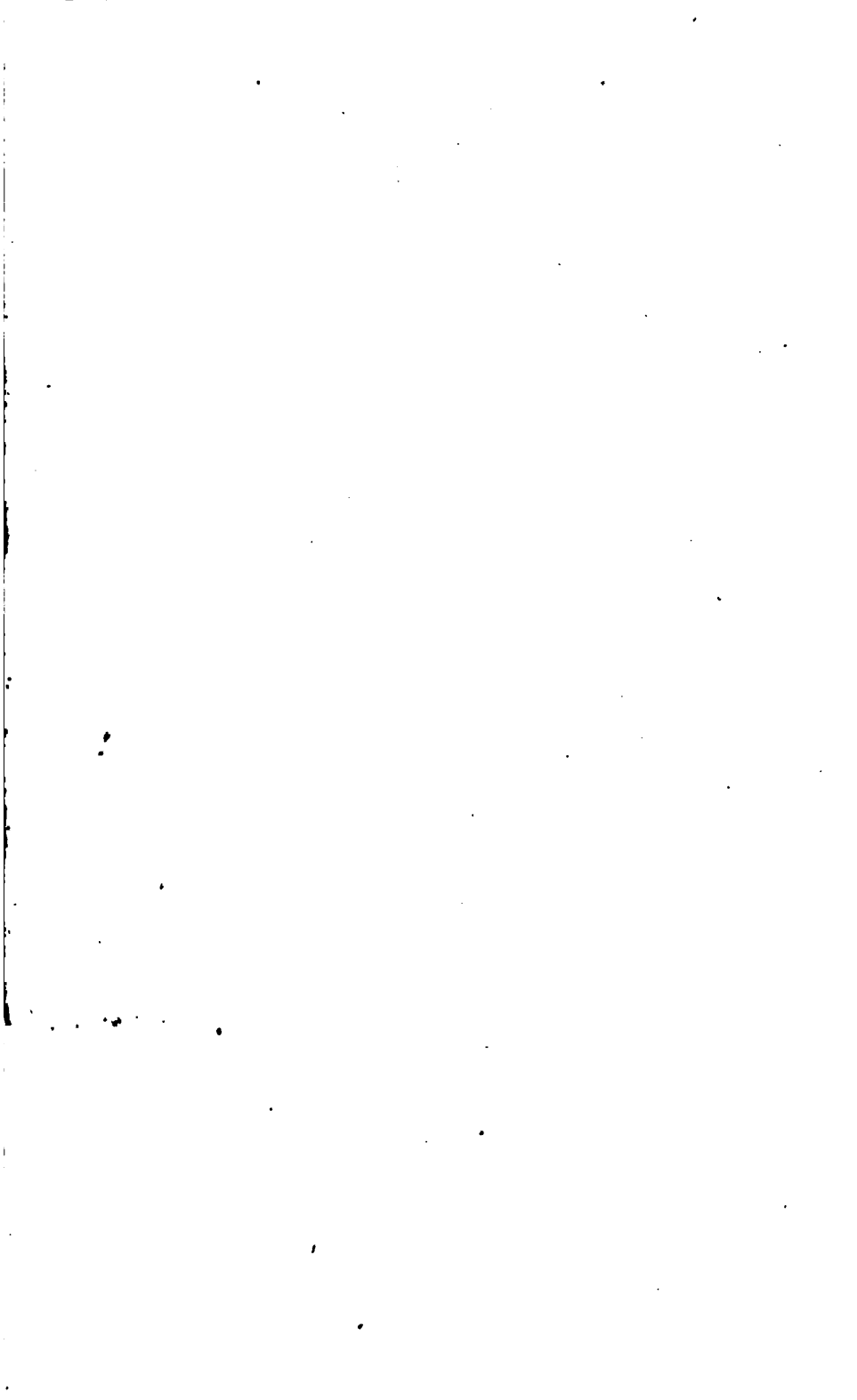
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